

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.628 of 2016**

Sukhitram Khobragadhe S/o Ramcharan Khobragadhe, aged about 40 years, R/o Singhabhedi, Thana-Chilhathi, Tahsil-Ambagarh Chauki, Distt.-Rajnandgaon (CG)

---Applicant

Versus

State of Chhattisgarh Through:- Thana-Chilhathi, Distt.-Rajnandgaon (CG)

---Non-applicant

For Applicant	:	Mr. Pallav Mishra, Advocate
For Non-applicant	:	Mr. Vivek Shinghal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

18/02/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.76/2016, registered at Police Station-Chilhathi, District-Rajnandgaon (CG), for the offence punishable under Sections 452 and 376 of the IPC.

2. Case of the prosecution, in brief, is that on 1.4.2015 the applicant entered into the house of the prosecutrix and committed forcible sexual intercourse with her.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the prosecutrix was major and consenting party, there is delay of eight months in lodging the F.I.R. as the incident took place on 1.4.2015 and F.I.R. has been lodged on 13.12.2015

and there is no plausible explanation of delay in lodging the F.I.R. He would also submit that the applicant is in jail since 13.1.2016 and therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; extent of delay in lodging the F.I.R., the fact that the prosecutrix was major and consenting party and role of the present applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-