

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.671 of 2016**

Hemant Kumar Sinha S/o. Onkar Ram Sinha, aged about 26 years, residing at Village Jawartara Charama Post Kortara P.S. Charama Revenue and Civil District North Bastar Kanker (CG)

---Applicant**Versus**

State of Chhattisgarh; Through: The Police Station Keshkal, District Kondagaon (CG)

---Non-applicant

For Applicant	:	Mr. P.K.Tulsyan, Advocate
For Non-applicant	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****23/02/2016**

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.163/2015, registered at Police Station-Keshkal, District-Kondagaon (CG), for the offence punishable under Section 376 of the IPC and Sections 3 (1) (12) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that from 7.9.2014 till the date of lodging of F.I.R. i.e. 26.11.2015 the present applicant repeatedly committed sexual intercourse with major prosecutrix on the pretext of marriage.
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 date of first

sexual intercourse is said to have been 7.9.2014, but F.I.R. has been lodged on 26.11.2015 and as such, there is delay of one year in lodging the F.I.R. The prosecutrix being major and consenting party has falsely implicated the present applicant in crime in question, in which he is in jail since 28.11.2015 and charge-sheet has already been filed 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 & circumstances of the case; further taking into consideration the nature & gravity of offence; role of the present applicant; age of the prosecutrix; extent of delay in lodging the F.I.R., pre-trial detention of the applicant and the fact that charge-sheet has already been filed, 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-