

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 729 OF 2016**

Ajay Dewangan S/o Nawalsai Dewangan aged about 32 years Occupation Labour R/o village Koriyadadar Gopalpur Police Station Chakradharnagar Raigarh Tahsil and District Raigarh (Chhattisgarh)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer Police Station Chakradharnagar District Raigarh (Chhattisgarh)

---Non-applicant

For Applicant	:	Mr. Vivek Kumar Tripathi, Advocate
For Non-applicant	:	Mr. Suvigya Awasthy, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****24/02/2016**

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. 378/2015, registered at Police Station Chakradharnagar District Raigarh (C.G.), for the offence punishable under Section 376 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that, applicant repeatedly sexual intercourse with the prosecutrix five months prior to the date of FIR i.e. 02/11/2015 and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that no custodial interrogation is required and no useful purpose would be served by keeping him in jail. He would further submit that prosecutrix is major and consenting party and there is no medical evidence. He would further submit that there is delay of five months in lodging the FIR. He would lastly submit that charge sheet has been filed and applicant is in jail since 03/11/2015, therefore, he may be released on 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; role of the applicant; extent of delay in lodging the FIR; medical evidence; charge sheet has already been filed and pretrial detention of the applicant, this Court is of the opinion that present is the 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 applicant shall be released on bail on 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