

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C.No.860 of 2016

Nitesh Kumar Gupta S/o Late Shri Raghunath Gupta, aged about 30 years, R/o Village Khamhar, Police Station & Tahsil : Lailunga, District Raigarh (CG)

---Applicant

Versus

State of Chhattisgarh Through: District Magistrate Raigarh: Police Station : Lailunga, District : Raigarh (CG)

---Non-applicant

For Applicant	:	Mr. Amit Singh, Advocate
For Non-applicant	:	Mr. Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

01/03/2016

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.276/2015, registered at Police Station-Lailunga, District-Raigarh (C.G.), for the offence punishable under Sections 363, 366 and 376 of the IPC.

2. Case of the prosecution, in brief, is that on the pretext of marriage the applicant committed sexual intercourse with the prosecutrix one year prior to lodging of the F.I.R. i.e.31.10.2015.

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 and there is delay of one

year in lodging the F.I.R. The applicant is in jail since 2.11.2015 and charge-sheet has already been filed and 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 the offence; medical evidence; 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/-