

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 972 OF 2016**

Aeman Kumar Dewangan son of Sukhnandan Singh Dewangan Caste Koshta aged about 29 years resident of village Khairadih Police Station Doundilohara District Balod (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer Police Station Doundilohara, District Balod (C.G.)

---Non-applicant

For Applicant	:	Mr. Anil Gulati, Advocate
For Non-applicant	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****03/03/2016**

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. 284/2015, registered at Police Station Doundilohara, District Balod, for the offence punishable under Sections 376, 417 of the I.P.C.

2. Case of the prosecution, in brief, is that, applicant committed sexual intercourse with the major prosecutrix from February, 2014 to October, 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 FIR was lodged on 28/10/2015. He would further submit that there is no medical evidence. He would lastly submit that charge sheet has been filed and applicant is in jail since 28/10/2015 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; extent of delay in lodging the FIR; medical evidence; charge sheet has already been filed and applicant is in jail since 28/10/2015, 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