

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1308 OF 2016**

Arvind @ Purai Kherwar S/o Shobhram aged about 25 years
Village Chhoti Chiniya P.S. Ramanujganj District Balrampur
Ramanujganj (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Police Station Ramanujganj
District Balrampur Ramanujganj (C.G.)

---Non-applicant

For Applicant	:	Mr. A.K. Yadav, Advocate
For Non-applicant	:	Mr. Suvigya Awasthi, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****15/03/2016**

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. 122/2015, registered at Police Station Ramanujganj, District Balrampur Ramanujganj (C.G.), for the offence punishable under Sections 376, 450 of the I.P.C.

2. Case of the prosecution, in brief, is that, on

16/08/2015 applicant committed forcible sexual intercourse with the major prosecutrix 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 story made by the prosecution is improbable that the applicant committed sexual intercourse with the prosecutrix in presence of her husband. He would lastly submit that applicant is in jail since 18/08/2015 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; age of the prosecutrix; medical evidence; role of the applicant 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