

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1559 of 2016

Parvesh Das, aged about 26 years, S/o Mr. Pawal Das, R/o Village Vishrampur, P.S. Simga, Tehsil and District Balodabazar (CG)

---- Applicant

Versus

State of Chhattisgarh, through the Police Simga, Distt. Baloda Bazar (C.G.)

---- Non-applicant

For Applicant:	Ms. Supriya Upasane, Advocate.
For Non-applicant:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/03/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.372/2015, registered at Police Station Simga, Distt. Baloda Bazaar, for the offence punishable under Sections 376 and 506 of the IPC.
2. Case of the prosecution, in brief, is that on 12-11-2015, the applicant forcibly committed sexual intercourse with the prosecutrix and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. False case has been registered against the applicant on 14-11-2015 and thereafter, charge-sheet has been filed against him and he is in custody since 18-11-2015. The prosecutrix is major and consenting party.
4. On the other hand, learned State counsel opposes the application.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, age of the prosecutrix, medical evidence available, nature of defence, pretrial detention of the applicant and charge-sheet has been filed, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge