

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1600 of 2016**

Santram S/o Sahberam, aged about 30 years, R/o Village-Basanpali, Tah
Pusour, Civil & Revenue Distt.Raigarh, Distt.Raigarh (CG)

---Applicant

Versus

State of Chhattisgarh, Through: P.S. Pusour, Distt.-Raigarh (CG)

---Non-applicant

For Applicant	:	Mr. Sunil Sahu, Advocate
For Non-applicant	:	Mr. Vivek Shinghal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

17/03/2016

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.170/2015, registered at Police Station-Pusour, District-Raigarh (CG), for the offence punishable under Sections 376 and 506 of the IPC.
2. Case of the prosecution, in brief, is that the applicant committed sexual intercourse with the prosecutrix from 2012 to 19.8.2015 on the pretext of marriage and thereby committed the offence.
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 applicant and the prosecutrix both are Shiksha Karmi and they were living together as husband and wife, the applicant is in jail since 24.11.2015, charge-sheet has already been filed, no purpose would be served by

detaining the applicant in jail and the prosecutrix was major and consenting party.

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 & circumstances of the case, nature & gravity of the offence, role of the present applicant, his pre-trial detention, the fact that the prosecutrix was major on the date of commission of offence and extent of delay in lodging the F.I.R., 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/-