

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1691 of 2016

Trilochan Prasad Lahare, S/o Teras Ram Lahare, aged about 32 years, (by caste Satnami), R/o Village Sohagpur, Police Station Sarsiwa, Civil and Revenue District Baloda Bazar/Bhatapara (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Sarsiwa, Civil and Revenue District Baloda Bazar/Bhatapara (C.G.)

---- Non-applicant

For Applicant:	Mr. Janak Ram Verma, Advocate.
For Non-applicant:	Mr. Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/03/2016

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.32/2016, registered at Police Station Sarsiwa, Distt. Baloda Bazar/Bhatapara, for the offence punishable under Sections 376 and 493 of the IPC.
2. Case of the prosecution, in brief, is that on 23-8-2014, the applicant committed sexual intercourse with the major 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, which is apparent from the fact that FIR was lodged on 10-2-2016 and thus, there is delay of one year four months. The prosecutrix is major and consenting party. The applicant is in jail since 11-2-2016 and charge-sheet has not been filed.

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, role of the applicant, age of the prosecutrix and the extent of delay in lodging the FIR, I am of the view that it is a fit case to grant regular bail to the applicant. 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