

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1949 OF 2016**

Mohit Chouhan S/o Shri Kumar Singh Chouhan aged about 25 years R/o Bhairamgarh P.S. Bhairamgarh District Bijapur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer Police Station Bhairamgarh District Bijapur (C.G.)

---Non-applicant

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Non-applicant	:	Mr. Vivek Singhal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/04/2016**

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. 06/2016, registered at Police Station Bhairamgarh, District Bijapur (C.G.), for the offence punishable under Sections 366, 376, 506-B of I.P.C.

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

committed sexual intercourse with major prosecutrix from December, 2014 to 30/01/2016 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 there is delay of two years in lodging the FIR and there is no internal injury on the body of prosecutrix. He would further submit that prosecutrix is major and consenting party. He would lastly submit that applicant is in jail since 09/03/2016 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; role of the applicant; extent of delay in lodging the FIR 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