

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 2148 OF 2016**

Iliyajar Tirkey @ Pappu S/o Shri Nanku aged about 28 years
R/o village Nan Damali P.S. Darima District Surguja (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through P.S. Darima District Surguja
(C.G.)

---Non-applicant

For Applicant	:	Mr. Bhupendra Singh, Advocate
For Non-applicant	:	Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****25/04/2016**

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. 132/2015, registered at Police Station Darima, District Surguja (C.G.), for the offence punishable under Section 376 of the I.P.C.
2. Case of the prosecution, in brief, is that, applicant is said to have committed sexual intercourse with the major

prosecutrix from January, 2015 to the date of lodging of FIR i.e. 18/10/2015, 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 prosecutrix is major and consenting party, as such, she became pregnant. He would further submit that there is extent of delay in lodging the FIR. He would lastly submit that charge sheet has been filed and applicant is in jail since 16/12/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that she is dumb woman and on the pretext of marriage, applicant committed sexual intercourse with the prosecutrix.

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; extent of delay in lodging FIR; prosecutrix is major; charge sheet has already been filed and applicant is in jail since 16/12/2015, 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