

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.2100 of 2016**

Kishan Kumar Bareth, S/o Lambodar Prasad Bareth, aged about 25 years,
Resident of Village – Lavsara, Police Station Baradwar, Tahsil-Sakti, Civil
and Revenue District Janjgir-Champa (Chhattisgarh)

---Applicant**Versus**

State of Chhattisgarh Through: the Station House Officer, Police Station
Baradwar, Civil and Revenue District Janjgir-Champa (CG)

---Non-applicant

For Applicant	:	Mr. Kamal Kishore Patel, Advocate
For Non-applicant	:	Mr. S. Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/04/2016**

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.89/2016, registered at Police Station-Baradwar, District-Janjgir-Champa (CG), for the offence punishable under Section 376 of the IPC.
2. Case of the prosecution, in brief, is that on 23.10.2015 the applicant committed sexual intercourse with the prosecutrix 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. The prosecutrix is major and consenting party and there is delay of five months in lodging the F.I.R. The applicant is in jail since 4.3.2016 and no internal injury found over the body of the prosecutrix in medical examination. Charge-sheet has already been filed.
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, age of the prosecutrix 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/-