

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.No.1356 of 2016**

Rupsingh Kavar Son of Phool Singh Kavar, aged about 27 years,  
Resident of Balco Nagar, Thana Balco, Civil & Revenue District Korba  
(CG)

**---Applicant****Versus**

State of Chhattisgarh through Station House Officer Bango, Civil and  
Revenue District Korba (CG)

**---Non-applicant**


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|-------------------|---|------------------------------|
| For Applicant     | : | Mr. Punit Ruparel, Advocate  |
| For Non-applicant | : | Mr. S. Awasthy, Panel Lawyer |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****15/03/2016**

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.18/2015, registered at Police Station-Bango, District-Korba (CG), for the offence punishable under Sections 376, 506 Part-II, 493 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act.

2. Case of the prosecution, in brief, is that the applicant has committed sexual intercourse with the prosecutrix since 2008 till the lodgment of F.I.R. on 12.4.2015 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 prosecutrix was major and consenting party and no medical evidence is

available. The applicant is in jail since 13.4.2015 and 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 nature and gravity of the offence, facts & circumstances of the case, role of the present applicant, age of the prosecutrix, charge-sheet has been filed 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/-