

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.423 of 2016

Dharmendra Bhatari, S/o Doctor Bhatari, aged about 18 years, R/o Village Lawar, P.S. and Tahsil Simga, Civil and Revenue District Baloda Bazar-Bhatapara (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, P.S. Simga, Civil District Raipur and Revenue District Baloda Bazar-Bhatapara (C.G.)

---- Non-applicant

For Applicant:	Mr. A.P. Sharma, Advocate.
For Non-applicant:	Mr. Neeraj Kumar Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/02/2016

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.377/2015, registered at Police Station Simga, Distt. Baloda Bazar-Bhatapara, for the offence punishable under Section 376 of the IPC.
2. Case of the prosecution, in brief, is that the applicant is said to have committed sexual intercourse with the prosecutrix one year prior to 18-11-2015 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 in the case. He further submits that the prosecutrix is major and consenting party. The applicant is in custody since 18-11-2015. Charge-sheet has been filed and no custodial interrogation of the applicant is required.
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 present applicant, his pretrial detention, charge-sheet has been filed and extent of delay in lodging the FIR, I am of the view that it is a fit case to enlarge the applicant on regular bail. 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