

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 742 OF 2016**

Arun Nagesia son of Dharampal Nagesia aged about 25 years occupation Agriculture residence of village Mayurnacha Charhatkhurd P.S. Samripat Revenue District Balrampur Civil District Sarguja (C.G.)

---Applicant**Versus**

State of Chhattisgarh, through Station House Officer, P.S. Samripat District Balrampur (C.G.)

---Non-applicant

For Applicant	:	Mr. C.J.K. Rao, Advocate.
For-Non-applicant	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****24/02/2016**

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. 44/2015, registered at Police Station Samripat, District Balrampur (C.G.), for the

offence punishable under Section 376 of I.P.C.

2. Case of the prosecution, in brief, is that, on 25/10/2015 applicant committed forcible sexual intercourse with the prosecutrix 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 offence in question. He would further submit that prosecutrix is major and consenting party. He would further submit that applicant is in jail since 28/10/2015 and no useful purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that prosecutrix has suffered injury also while protesting sexual act of the applicant.

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; medical evidence available and the injury suffered by the prosecutrix, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge