

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 761 OF 2016**

Mana Ram S/o Jaidhar Ram aged about 49 years R/o village
Gharjiyabathan Thana Pathalgaon Tahsil Pathalgaon Civil and
Revenue District Jashpur District Jashpur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through P.S. Pathalgaon District
Jashpur (C.G.)

---Non-applicant

For Applicant	:	Mr. Sanjay Agrawal, Advocate
For Non-applicant	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****29/02/2016**

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. 251/2015, registered at Police Station Pathalgaon, District Jashpur (C.G.), for the offence punishable under Sections 376, 506 of the I.P.C. & Section 3(1)(10) of the Schedule Castes and Schedule Tribes (Prevention of

Atrocities) Act.

2. Case of the prosecution, in brief, is that, on 30/08/2015, applicant is said to have committed sexual intercourse with the major prosecutrix, who belongs to scheduled caste 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 FIR was lodged on 28/10/2015 i.e. after delay of two months and no explanation of delay has been furnished. He would further submit that there is no medical evidence and no useful purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed and applicant is in jail since 29/10/2015 therefore, he may be released on bail.

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 and circumstances of the case; further taking into consideration the nature and

gravity of offence; extent of delay in lodging FIR; medical evidence; age of the prosecutrix; charge sheet has already been filed and pretrial detention of the applicant, 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