

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1315 OF 2016**

Rajkumar Sharma, aged about 47 years, S/o Krishna Kumar Sharma, Caste Brahman, R/o MIG 65, Rajendra Prasad Nagar Phase-2, Korba Tahsil and District Korba (C.G.)

---Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Kotwali, Korba, District Korba (C.G.)

---Non-applicant

For Applicant	:	Mr. Y.C. Sharma, Advocate
For Non-applicant	:	Mr. Vivek Singhal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****28/03/2016**

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. 424/2015, registered at Police Station Kotwali Korba (C.G.), for the offence punishable under Sections 376 and 506 of I.P.C.

2. Case of the prosecution, in brief, is that, applicant is

said to have committed rape with major prosecutrix in the month of June, 2013 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 delayed by 28 months on 23/10/2015. He would further submit that no custodial interrogation is required and there is no medical evidence. He would lastly submit that charge sheet has been filed and applicant is in jail since 23/10/2015 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 the FIR; prosecutrix is major; charge sheet has already been filed and applicant is in jail since 23/10/2015, 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