

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1221 of 2016

- Shiv Kumar Dewangan S/o Devbahadur Aged About 21 Years
R/o Village - Ruppur, Police Station - Basantpur, Tahsil
Wadrafnagar, District Balrampur - Ramanujganj Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through Police Station - Basantpur,
District - Balrampur - Ramanujganj Chhattisgarh

---- Respondent

For the applicant	:	Mr. A.K. Yadav, Advocate
For the Respondent	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

10.03.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 124 of 2015 registered at P.S. Basantpur, Distt. Balrampur Ramanujganj (C.G) for the offence punishable under Section 376, 294 & 506 IPC.
2. The prosecution case, in brief, is that 29 days before the lodging of FIR i.e., 28.10.2015, the applicant has committed sexual intercourse with the prosecutrix and even prior to 3 months of the last incident i.e, 28.10.2015, the applicant continuously used to commit sexual intercourse with the prosecutrix.
3. Learned counsel for the applicant submits that the FIR was lodged on 26.11.2015 and there is no explanation for the delay of more than 3 months in lodging the FIR whereas the

prosecutrix is major and consenting party and there is no medical evidence. He further submits that the applicant is in jail since 08.12.2015 and the charge sheet has been filed in this case, therefore, he prays for releasing the applicant on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Taking into consideration the totality of the facts and circumstances of the case; particularly the age of prosecutrix and role of the present applicant and his pretrial detention and further looking to the extent of delay in lodging the FIR as also the fact that the charge sheet has already been filed, this court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
SANJAY K. AGRAWAL
JUDGE