

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1319 OF 2016**

Vijay Kumar Sahu aged about 30 years S/o Rewaram Sahu
R/o Kailash Nagar Birgaon Police Station Urla Tahsil and
District Raipur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer Police
Station Pandri District Raipur (C.G.)

---Non-applicant

For Applicant	:	Mr. Manoj Paranjpe, Advocate
For Non-applicant	:	Mr. Ajit Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****15/03/2016**

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. 140/2015, registered at Police Station Pandri, District Raipur (C.G.), for the offence punishable under Sections 376 of the I.P.C.
2. Case of the prosecution, in brief, is that, six months

prior to the date of lodging of FIR i.e. 28/5/2015, applicant committed 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 this case. He would further submit prosecutrix is major and consenting party. He would lastly submit that applicant is in jail since 29/01/2016, 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; role of the applicant 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