

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1381 of 2016

Santram Sahu, S/o Padumlal Sahu, aged about 26 years, Caste Teli, R/o Ayodhyapuri, Jelgaon, Darri, Ward No.46, Police Station Darri, Tahsil Katghora, Distt. Korba (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Darri, Distt. Korba (C.G.)

---- Non-applicant

For Applicant:	Mr. Vivek Tripathi, Advocate.
For Non-applicant:	Mr. Suvigya Awasthi, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

28/03/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.136/2015, registered at Police Station Darri, Distt. Korba, for the offence punishable under Section 376 of the IPC.
2. Case of the prosecution, in brief, is that the applicant committed sexual intercourse with the major prosecutrix five years prior to the date of lodging the FIR i.e. 27-10-2015 and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. There is delay of five years in lodging the FIR. The prosecutrix is major and consenting party. The applicant is in jail since 28-10-2015 and charge-sheet has been filed.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the applicant, extent of delay in lodging the FIR, medical evidence and age of the prosecutrix, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge