

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.458 of 2016

Vinod Ekka, S/o Sivil Say, aged about 22 years, R/o Village Jhalariya, P.S. Pasta, District Balrampur-Ramanujganj (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Pasta, District Balrampur-Ramanujganj (C.G.)

---- Non-applicant

For Applicant:	Mr. Arvind Sinha, Advocate.
For Non-applicant:	Mr. Dheeraj Kumar Wankhede, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/02/2016

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.16/2015, registered at Police Station Pasta, Distt. Balrampur-Ramanujganj, for the offence punishable under Sections 376 and 366/376 (2) (n) and 366 of the IPC.
2. Case of the prosecution, in brief, is that seven months prior to the date of FIR i.e. 20-6-2015, the applicant repeatedly committed sexual intercourse with the prosecutrix on the pretext of marriage and when she became pregnant, he refused to marry her 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, the prosecutrix is major and consenting party. There is delay of seven months in lodging and there is no medical evidence.

Charge-sheet has been filed and the applicant is in jail since 21-6-2015.

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, extent of delay, nature of offence, age of the prosecutrix, medical evidence available, pretrial detention of the applicant and charge-sheet has been filed, 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