

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.581 of 2016**

Dr.Chandi Das Biswas S/o Mr.Rajneet Biswas Aged about 34 years, R/o Vivekanand Colony, Mopka, Thana-Sarkanda, District-Bilaspur (CG)

---Applicant

Versus

State of Chhattisgarh, Through Police Station-Sarkanda, District-Bilaspur (CG)

---Non-applicant

For Applicant	:	Mr. Ajay Ayachi, Advocate
For Non-applicant	:	Mr. Dhiraj K. Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

22/02/2016

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.516/2015, registered at Police Station-Sarkanda, District-Bilaspur (CG), for the offence punishable under Sections 376 (2) (g) and 506B of the IPC.

2. Case of the prosecution, in brief, is that on 22.10.2015 the applicant committed rape with the prosecutrix within the meaning of Section 375 (b) of the IPC and thereby committed the aforesaid offences.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that there is no medical evidence and there is delay of two days in lodging the F.I.R. He would also submit that the applicant is in jail since 25.10.2015 and

charge-sheet has already been filed and therefore, he may be released on regular 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 & circumstances of the case; further taking into consideration the nature & gravity of offence; medical evidence available; role of the present applicant; extent of delay in trial the fact that the applicant is in jail since 25.10.2015 and 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.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall 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 trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-