

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 943 of 2016**

Vijay Prasad, aged about 22 years, S/o Ramlakhan Sandhe (wrongly mention as Sondhiya), By Caste Dhimer, R/o Village Kanjiya, Thana Janakpur, District Koriya (C.G.)

---- Applicant**Versus**

The State Of Chhattisgarh Through Police Station Janakpur, Distt. Koriya (C.G.)

---- Non-applicant

For Applicant : Shri Parag Kotecha, Advocate

For Non-applicant/State: Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board**03/03/2016**

Heard.

(2) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 51/2015 registered at Police Station – Janakpur for the offences punishable under Section 376 (F) and 506 of the Indian Penal Code.

(3) Case of the prosecution, in brief, is that on 23.08.2015 applicant committed sexual intercourse with the prosecutrix against her will and, thereby, committed the aforesaid offences.

(4) Counsel for the applicant submits that there is delay of 24 days in lodging the First Information Report as the incident has occurred on 23.08.2015 whereas FIR has been lodged 17.09.2015 without any

explanation and the applicant has been arrested on 25.9.2015. He further submits that charge sheet has already been filed and no custodial interrogation is required and, therefore, the applicant may be released on bail.

(5) On the other hand, learned counsel for the State opposes the bail application.

(6) Taking into consideration the facts & circumstances of the case, further considering the extent of delay in lodging the FIR; and the facts that applicant is in jail since 25.09.2015 and the charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-