

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.634 of 2016**

Madhav Sethiya S/o Late Shri Jagat Ram Sethiya, aged about 24 years,
Caste-Kalar, R/o Baniyagaon, Farsaguda Para, P.S. Kondagaon, District
Kondagaon, Chhattisgarh

---Applicant**Versus**

State of Chhattisgarh , Through Police Station Kondagaon

---Non-applicant

For Applicant	:	Mr. Avinash K. Mishra, Advocate
For Non-applicant	:	Mr. S.Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**18/02/2016**

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.247/2015, registered at Police Station-Kondagaon, District-Kondagaon (C.G.), for the offence punishable under Section 376 of the IPC.

2. Case of the prosecution, in brief, is that on 3.10.2015 the applicant committed forcible sexual intercourse with the prosecutrix and thereby committed the aforesaid offence.

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 the prosecutrix is major and consenting party and there is delay of four days in lodging the F.I.R. The applicant is in custody since 9.10.2015, there is

no medical evidence and charge-sheet has already been filed and 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; age of the prosecutrix who is said to be major on the date of commission of offence, the fact that the applicant is in jail since 9.10.2015 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/-