

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 718 OF 2016**

Purushottam Sidar S/o Shri Gopi Sidar, aged about 23 years,
R/o Village Tiur, Murli Bhatha, P/s. and Tahsil Kharsia, Civil
and Revenue District Raigarh (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through : S.H.O. of the Police Station
Kharsia, District Raigarh (C.G.)

---Non-applicant

For Applicant	:	Mr. Abhishek Saraf, Advocate
For Non-applicant	:	Mr. Suvigya Awasthi, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****24/02/2016**

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. 575/2015, registered at Police Station Kharsia, District Raigarh (C.G.), for the offence punishable under Section 376 of the I.P.C.
2. Case of the prosecution, in brief, is that, applicant is

said to have committed sexual intercourse with the major prosecutrix on 29/01/2015 and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that prosecutrix is major and consenting party and there is no explanation for delay of 11 days in lodging FIR. He would lastly submit that charge sheet has been filed and applicant is in jail since 14/11/2015 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; extent of delay in lodging FIR; medical evidence; prosecutrix is major; charge sheet has already been filed and applicant is in jail since 14/11/2015, this Court is of the opinion that present is the 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 applicant shall be released on bail on 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