

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 733 OF 2016**

Loknath S/o Kishor Chandrakar aged about 22 years R/o village Kathautiya Police Station Dadhi Civil and Revenue District Bemetara (Chhattisgarh)

---Applicant**Versus**

State of Chhattisgarh, Through District Magistrate/Station House Officer Police Station Dadhi District Bemetara (Chhattisgarh)

---Non-applicant

For Applicant	: Mr. Dharmesh Shrivastava, Advocate
For Non-applicant	: Mr. O.P. Sahu, G.A.

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. 96/2015, registered at Police Station Dadhi District Bemetara (C.G.), for the offence punishable under Sections 376, 450, 506 of the Indian Penal Code & Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act.

2. Case of the prosecution, in brief, is that, on 19/08/2014 applicant committed sexual intercourse with the major prosecutrix, who belongs to Scheduled Caste 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 no custodial interrogation is required and no useful purpose would be served by keeping him in jail. He would further submit that prosecutrix is major and consenting party and there is no medical evidence. He would further submit that FIR has been lodged on 04/10/2015 i.e. delay of one year and delay has not been explained. He would lastly submit that charge sheet has been filed and applicant is in jail since 10/12/2015, 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; role of the applicant; extent of delay in lodging the FIR; medical evidence; age of the prosecutrix; charge sheet has already been filed and pretrial detention of the applicant, 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