

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.No.862 of 2016**

Rajesh Kumar Markam, S/o. Arjun Singh Markam, aged about 22 years,  
residing at Village Kurmikote Pasangi, P.S. Farasgaon, Revenue and Civil  
District Kondagaon (CG)

**---Applicant****Versus**

State of Chhattisgarh Through the Police Station Farasgaon, District  
Kondagaon (CG)

**---Non-applicant**


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|-------------------|---|----------------------------------|
| For Applicant     | : | Mr. P.K.Tulsyan, Advocate        |
| For Non-applicant | : | Mr. Vivek Shinghal, Panel Lawyer |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****06/04/2016**

1. This is the second 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.92/2015, registered at Police Station-Farasgaon, District-Kondagaon (CG), for the offence punishable under Sections 363, 366, 376 & 506 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act.

2. First bail application of the applicant has been dismissed as withdrawn with liberty to file bail application after examination of material prosecution witnesses.

3. Case of the prosecution, in brief, is that the applicant committed forcible sexual intercourse with the prosecutrix from October, 2015 to 27.5.2015 on the pretext of marriage and thereby committed the offence.

4. 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 four prosecution witnesses have already been examined and they have not supported the case of the prosecution. There is no evidence against the present applicant, he is in jail since 1.6.2015 and no further interrogation is required.

5. On the other hand, learned counsel for the State would oppose the bail application.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant, material available on record and the fact that trial is on advance stage, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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

9. 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.

**Sd/-**

**(Sanjay K. Agrawal)**  
**JUDGE**

B/-