

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 926 of 2016**

Pradeep Toppo, S/o Haroon Toppo, aged about 33 years, R/o Gopatu, PS Samripath, Dist. Balrampur – Ramanujganj (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through the Station House Officer, Police Station Samripath, Distt. Balrampur- Ramanujganj (C.G.)+

---- Non-applicant

For Applicant : Shri Jitendra Shrivastava, Advocate

For Non-applicant/State: Shri Ajit Singh, 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. 46/2015 registered at Police Station Samripath, Balrampur-Ramanujganj for the offences punishable under Sections 376 (2) (a) of the Indian Penal Code.

(3) Case of the prosecution, in brief, is that 10 years prior to lodging FIR i.e. on 3.11.2015 applicant committed sexual intercourse with the prosecutrix on the pretext of marriage and, thereby, committed the aforesaid offences.

(4) Counsel for the applicant submits that prosecutrix is a major girl and she is consenting party to the act of the applicant. He further submits that there is delay of 10 years in lodging the FIR; there is no medical evidence on record to connect the applicant with the crime in question; applicant is in jail

since 4.11.2015 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

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

(6) Taking into consideration the facts & circumstances of the case; extent of delay in lodging the FIR; further consider his pre trial detention 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/-