

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1277 of 2016**

Lakhan Lal Patel S/o Dharamlal, aged about 20 years, R/o Village-Temtema, P.S. & Tah.-Kharsia, Distt.Raigarh (CG)

---Applicant

Versus

State of Chhattisgarh Through: Station House Officer, Police Station – Kharsia, Distt.Raigarh (CG)

---Non-applicant

For Applicant	:	Mr. F.K.Khare, Advocate
For Non-applicant	:	Mr. Ajit Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/03/2016

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.423/2015, registered at Police Station-Kharsia, District-Raigarh (CG), for the offence punishable under Sections 376 and 493 of the IPC.

2. Case of the prosecution, in brief, is that on 25.8.2015 the present applicant committed sexual intercourse with major prosecutrix and thereby committed the 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 false case has been registered, which is apparent from the F.I.R. as the F.I.R. has been lodged after 13 days of the incident. There is no medical evidence

supporting the case of the prosecution. The applicant is in jail since 16.12.2015 and charge-sheet has already been filed, 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 & circumstances of the case, nature & gravity of the offence, role of the present applicant, his pre-trial detention and the fact that 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-