

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1756 of 2016

Naresh Kumar Shende, S/o Rajendra Kumar Shende, aged about 23 years, Caste Mahar, R/o Village Markatola, Police Station & Tahsil Mohala, District Rajnandgaon (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Police Station Mohala, Rajnandgaon (C.G.)

---- Non-applicant

For Applicant:	Mr. Shaleen Singh Baghel, Advocate.
For Non-applicant:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

31/03/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.8/2016, registered at Police Station Mohala, Distt. Rajnandgaon, for the offence punishable under Sections 376, 366 and 312 of the IPC.
2. Case of the prosecution, in brief, is that the applicant committed sexual intercourse with the major prosecutrix from last two years till 28-2-2016 and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, delay of two years in lodging the FIR has not been explained by the prosecutrix. The applicant is in jail since 8-2-2016. Charge-sheet has been filed.
4. On the other hand, learned State counsel opposes the application.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the applicant, extent of delay, age of the prosecutrix, charge-sheet has been filed and the applicant is in jail since 8-2-2016, I consider it a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that applicant Naresh Kumar Shende 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge