

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C.No.2037 of 2016

1. Udit Narayan @ Babloo Rathore S/o Lala Ram Rathore, Aged about 26 years, R/o Village-Champa Shivni, Tehsil-Champa, District-Janjgir-Champa, Police Station Champa, Revenue & Civil District Janjgir-Champa (CG)
2. Kalesh Ram S/o Rath Ram Yadav, Aged about 22 years, R/o Village-Champa Shivni, Tehsil-Champa, District-Janjgir-Champa, Police Station Champa, Revenue & Civil District, Janjgir-Champa (CG)

---Applicants

Versus

State of Chhattisgarh Through–Police Station –Kortwali-Korba, District Korba (CG)

---Non-applicant

For Applicants	:	Mr. Ashutosh Shukla, Advocate
For Non-applicant	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

25/04/2016

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 applicants who have been arrested in connection with Crime No.53/2016, registered at Police Station-Kotwali, District Korba (CG), for the offence punishable under Sections 366 and 376/34 of the IPC.
2. Case of the prosecution, in brief, is that the applicants kidnapped the prosecutrix and committed sexual intercourse with her four years prior to the date of lodgment of the F.I.R. i.e. on 30.1.2016 and thereby committed the offences.
3. Learned counsel for the applicants would submit that the

applicants have not committed any offence and they have falsely been implicated in crime in question. He would further submit that there is delay of four years in lodging the F.I.R., the prosecutrix is major and consenting party, the applicants are in jail since 31.1.2016 and charge-sheet has already been filed.

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 applicants, age of the prosecutrix, extent of delay in lodging the F.I.R. 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 applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-