

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1937 of 2016

Manguram Darro, S/o Chaitram Darro, aged about 39 years, Caste Gond,
R/o Village Madapa, Police Station Ravghat, Civil and Revenue Distt.
Kanker (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through the Police Station Ravghat, Civil and
Revenue Distt. Kanker (C.G.)

---- Non-applicant

For Applicant:	Mr. P.P. Sahu, Advocate.
For Non-applicant:	Mr. Suvigya Awasthi, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/04/2016

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.6/2015, registered at Police Station Ravghat, Distt. Kanker, for the offence punishable under Sections 376, 376(2) and 450 of the IPC.
2. Case of the prosecution, in brief, is that since three years prior to the date of lodgment of FIR i.e. 27-10-2015, the applicant is said to have repeatedly committed sexual intercourse with the major prosecutrix 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. The prosecutrix is major and consenting party, as there is delay of three years in lodging the FIR. The applicant is in custody since 28-10-2015. Charge-sheet has been filed and no custodial

interrogation of the applicant is required.

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, age of the prosecutrix who is major, extent of delay in lodging the FIR, charge-sheet has been filed, the applicant is in jail since last six months and no custodial interrogation of the applicant is required, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that applicant Manguram Darro 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