

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4699 of 2016

- Manoj Sidar S/O Bachansai Aged About 26 Years Occupation Agriculture R/O Village Khedaama, P.S. Lailunga, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Lailunga, District Raigarh Chhattisgarh

---- Respondent

For Applicant : Mr. Manoj Kumar Jaiswal, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26-09-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 10-7-2016 in connection with Crime No. 196 of 2016, registered at Police Station Lailunga, District Raigarh (CG) for the offence punishable under Sections 376 and 493 of the IPC.
2. As per prosecution case, in the year 2013 the applicant on the pretext of marriage took the prosecutrix to visit Mela of Mahashivratri, therefore, she was taken to his village for which a report was made on 8-7-2016.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, there was delay of three years in lodging the first information report and medical report also does not support the prosecution case. He would further submit that charge-sheet has been filed in this case, the applicant is in jail

since 10-7-2016 and no further investigation is required, therefore, he may be released on bail.

4. *Per contra*, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the prosecutrix in which general allegations have been attributed to the applicant.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant, considering statement of the prosecutrix and further considering the fact that there was delay of the three years in lodging the first information report and further considering the age the prosecutrix who is said to be 23 years, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju