

• **HIGH COURT OF CHHATTISGARH, BILASPUR**

MCRC No. 5957 of 2017

- Dr. Gangaram Bareth S/o Lala Ram Bareth, Aged About 28 Years R/o Village Bardula, P.S. Sarangarh, District Raigarh, Chhattisgarh, At Present C.H.C. Takhatpur, P.S. Takhatpur, District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Takhatpur, District Bilaspur, Chhattisgarh

---- Respondent

 For Applicant : Shri R.K. Dubey, Advocate
 For Respondent/State : Shri Anil Pandey, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

23.11.2017

1. Heard the matter finally.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.159/2017, registered at Police Station Takhatpur, District Bilaspur (CG) for the offence punishable under Sections 376, 323 and 506B of the IPC.
3. As per the case of prosecution, date of incident is 16.2.2016 and on that day, the applicant committed sexual intercourse with the prosecutrix without her consent and against her will.
4. Learned counsel for the applicant submits that the report is lodged after 1 year and 3 months i.e. on 3.5.2017 and before the trial Court, the prosecutrix has not supported her version. He

submits that charge sheet has been filed and the applicant is arrested on 03.05.2017 and the trial may take some time, therefore, he may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Perused the entire material available on record.

7. Considering the facts and circumstances of the case, particularly considering that the prosecutrix is aged about 37 years and report is lodged after 1 year and 3 months, without further commenting anything on merits, I am inclined to release the applicant on bail.

8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

10. Certified copy as per rules.

Sd/

(Ram Prasanna Sharma)
JUDGE