

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 219 of 2018**

Roshan Yadu, aged about 25 years, S/o Shri Alakh Ram Yadu, R/o Mahamayee Para, Purani Basti, Raipur District Raipur (C.G.)

----Applicant

Versus

The State of Chhattisgarh, through the District Magistrate, Rajnandgaon, through the Station House Officer, Police Station – Lalbagh, Rajnandgaon, C.G.

---- Non-applicant

For Applicant	:	Mr. Pushpendra Kumar Patel, Advocate.
For Respondent/State	:	Mr. Dilman Rati Minj, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****05/03/18**

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 applicant who has been arrested in connection with Crime No.405/2017, registered at Police Station- Lalbagh, Rajnandgaon (C.G.) for the offence punishable under Sections 376 of Indian Penal Code, 1860.
2. Case of the prosecution, in brief, is that between 02.02.2016 to 30.08.2017, the applicant committed sexual intercourse with the prosecutrix on the pretext of marriage and thereby committed the offence under aforementioned section.
3. Learned counsel for the applicant would submit that there is delay in lodging the FIR as the FIR was lodged on 25.10.2017 and as such he has

not committed any offence and has been falsely implicated. He would further submit that applicant is in jail since 04.11.2017, charge-sheet has been filed and no useful purpose will be served in detaining him in jail, therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that on the pretext of marriage the applicant committed sexual intercourse with the prosecutrix.

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; further taking into consideration that the first date of sexual intercourse is 02.02.2016 and the FIR was lodged on 25.10.2017 and the fact that the applicant is in jail since 04.11.2017 and charge-sheet has already been filed, this Court is of the opinion that present is a fit case, in which, the applicant 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 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.

SD/-

(Sanjay K. Agrawal)

Judge