

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1529 of 2018**

Naresh @ Narendra Kumar, S/o Mansing Kumhar, Aged about 33 years, R/o Village Radbahar, Police Station- Belpada, District Balangir (Orisa) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through Officer-in-charge, Police Station – Mandir Hasaud Raipur, Tahsil & District – Raipur (C.G.)

---- Non-applicant

For Applicant	:	Mr. Baddruddin Khan, Advocate.
For Non-applicant	:	Mr. Dilman Rati Minj, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****16/04/2018**

(1) The accused/applicants has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 306/2017 registered at Police Station Mandir Hasaud, Raipur for the offence punishable under Section 376 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 18.10.2017, the applicant committed sexual intercourse with the prosecutrix against her will and thereby committed the aforesaid offence.

(3) Learned counsel appearing for the applicant would submit that the applicant is innocent person and he has falsely been implicated in the crime in question. He further submits that medical report of the prosecutrix does not support the case of the prosecution; there is unexplained delay in lodging the FIR; applicant is languishing in

jail since 30.10.2017 and the charge sheet has already been filed and, therefore, the applicant may be released on regular bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) I have heard the counsel appearing for the parties and perused the case diary..

(6) Taking into consideration the nature and gravity of the offence, facts & circumstances of the case and considering the medical report of the prosecutrix available on record and the facts and applicant is in jail since 0.10.2017 and the charge sheet has already been filed, this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

