

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1885 of 2018**

Lovekush Paikra, Son of Ram Kumar Paikra, aged about 22 years, Resident of Sur, Bakripara, Thana Seetapur, District Surguja (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through Police Station – Rajpur, District Balrampur – Ramanujganj (C.G.)

---- Respondent

For Applicant : Mr. A.K. Yadav, Advocate.
For Non-applicant : Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****24/04/2018**

(1) The accused/applicant 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. 128/2017 registered at Police Station Rajpur, District Balrampur – Ramanujganj for the offence punishable under Sections 376(2)(n) of the Indian Penal Code and Section 5(1)/6 of the Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that applicant repeatedly committed sexual intercourse with the prosecutrix against her will in the year 2014-2015 and thereby committed the aforesaid offences.

(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 there is delay of more than one year in the lodging the FIR as the offence is alleged to have been committed in the year 2014-2015 whereas FIR has been lodged on 19.09.2017. He also submits that the applicant is in jail since 20.09.2017 and no useful purpose would be served in detaining further him in jail and, therefore, he is entitled to 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 facts & circumstances of the case, further considering the extent of delay in lodging the FIR; and pre trial detention of the applicant; 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/-

