

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4108 of 2018**

Upendra Sharma, S/o Banwarilal Sharma, aged about 32 years, R/o village & post Sakroli, Tahsil Jalesar, District Ata (U.P.)

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station: Ganj, Raipur, District Raipur (C.G.0

---- Non-applicant

For Applicant	:	Mr. Pushpendra Kumar Patel, Advocate.
For Non-applicant	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****04/07/2018**

(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. 81/2018 registered at Police Station Ganj, Raipur, District Raipur for the offence punishable under Section 376 of the Indian Penal Code and Section 67 of the I.T. Act.

(2) Case of the prosecution, in brief, is that applicant has committed sexual intercourse with the prosecutrix on 26.1.2018 and thereby committed the aforesaid offences.

(3) Learned counsel for the applicant submits that there is delay of about one month in lodging the First Information Report as incident had occurred on 26.01.2018 whereas written report was lodged on 13.02.2018; applicant is in jail since

24.03.2018; the charge sheet has been filed; and no custodial interrogation is required, therefore, the applicant may be released on bail.

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

(5) Taking into consideration the facts & circumstances of the case, further considering the extent of delay in lodging the FIR; and the facts that applicant is in jail since 24.03.2018; charge sheet has already been filed and no custodial interrogation is required; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) 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/-

