

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7854 of 2018**

Omprakash Baghel, S/o Shri Timuram Baghel, aged about 38 years, R/o Village Giroud [Mandhar] Thana Dharsiwa, Tahsil and Distt. Raipur [C.G.]

----Applicant

Versus

State of Chhattisgarh- Through Station House Officer Police Station Dharsiwa, District Raipur (C.G.)

---- Non-applicant

For Applicant	: Shri N.K. Malviya, Advocate.
For State	: Shri Arun Sao, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board**

31/10/2018

Heard.

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. 191/2018 registered at Police Station – Dharsiwa, District Raipur for the offence punishable under Sections 417, 494, 376 & 323 of the Indian Penal Code.
2. Case of the prosecution is that applicant, during the subsistence of his first marriage, married with the prosecutrix and committed sexual intercourse with her against her will and thereby committed the aforesaid offences.
3. Counsel for the applicant submits that there is delay of five months in lodging the First Information Report and the applicant has been arrested on 5.5.2018. He further submits that the charge sheet is yet to be filed but substantial investigation has already been made and no custodial interrogation is required and, therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.

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; nature and gravity of the offence, further considering the pre-trial detention of the applicant and the fact that the charge sheet is yet to be filed but substantial investigation has already been completed and no custodial interrogation is required. 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 till disposal of the trial.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

