

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3167 of 2019**

Nanku Ram, S/o Paras Ram, aged about 44 years, Caste- Ghasiya, R/o village – Pasla, P.S. & Tahsil – Surajpur, District Surajpur, Chhattisgarh.

---- Applicant (in jail)

Versus

State of Chhattisgarh, through Station House Officer, Surajpur, District Surajpur, Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Rishi Sahu, Advocate.
For Non-applicant/State	:	Mr. Arun Kumar Shukla, G.A.

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

20/05/2019

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. 161/2018 registered at Police Station Surajpur, Distt. Surajpur (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that from 07/12/2017 to 06/05/2018, the applicant committed sexual intercourse with the major prosecutrix and thereby committed the aforesaid offence.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the primary question as he has not committed any offence and there was a delay in lodging the F.I.R. He further submits that applicant is in jail since 08/04/2019 and the charge sheet has been filed, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant is not entitled to be released on bail.
5. Taking into consideration the nature and gravity of the offence and looking to the fact that there is a delay in lodging of the F.I.R.; applicant is in detention since 08/04/2019; charge-sheet has already been filed and no further custodial interrogation is required; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail 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.

Sd/-

(Sanjay K. Agrawal)
Vacation Judge