

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3270 of 2019**

- Omprakash Jaiswal S/o Bhure Lal Jaiswal Aged About 28 Years (Wrongly Mentioned Jaiwal In The Rejection Order Sheet), Caste Kalar, R/o Village Govindban, Police Station/tahsil- Bilaigarh, District- Balodabazar-Bhatapara, Chhattisgarh., (In Jail)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bilaigarh, Civil And Revenue District- Balodabazar-Bhatapara, Chhattisgarh.,

---- Respondent

For Applicant	:Shri C.R.Sahu, Advocate.
For Respondent/State	:Shri K.K.Singh, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****20.05.2019**

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.117/2019 registered at Police Station Bilaigarh, Civil and Revenue District Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 376 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that the applicant is said to have committed sexual intercourse with the prosecutrix, who is major, from April, 2014 till 27.01.2019 on the pretext of marriage and thereby committed the aforesaid offence.

(3) Learned counsel for the applicant submits that the applicant is innocent

person and he has been falsely implicated in the crime in question and has not committed any offence. He further submits that offence is said to have been committed by the applicant since 2014 whereas there is inordinate delay in lodging the F.I.R. and there is no explanation offered in lodging the F.I.R. by the prosecutrix, who is major. Lastly, he submits that as the trial is likely to take some time for its final disposal, 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 nature and gravity of the offence, facts and circumstances of the case and the age of the prosecutrix and the extent of delay in lodging the F.I.R. has not been explained and that trial is likely to take some time for its final disposal, 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 concerned 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)
Vacation Judge