

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.3002 of 2021

- Sanjay Kumar Sen (As Per FIR) (Wrongly Mentioned In Impugned Rejection Order As Sanjay Sen) S/o Gopichand Sen, Aged About 36 Years, Caste Nai, R/o Village Akaltara, Ward No.06, Shahid Ashfaq Ullas Nagar, Akaltara, Police Station Akaltara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Akaltara, District Janjgir Champa, Chhattisgarh

---- Respondent

For Applicant	Mr. Punit Ruparel, Advocate
For Respondent	Mr. Mateen Siddiqui, Dy. AG

Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

04/06/2021

1. Proceedings of this matter have been taken up through Video Conferencing.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection

with Crime No.79/2021, registered at Police Station – Akaltara, District Janjgir-Champa (CG), for the offence punishable under Sections 376 & 506 of IPC.

3. The case of the prosecution, in brief, is that the applicant has committed forcible sexual intercourse with the major prosecutrix and thereby he committed the offence.
4. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the crime in question. He would further submit that there is a delay of 7 months in lodging the FIR, as the offence is said to have been committed on 27.08.2020 and the FIR has been lodged on 26.03.2021. The applicant is in jail since 27.03.2021. The investigation has already been completed, therefore, no useful purpose will be served by detaining the applicant, therefore, the applicant may kindly be released on bail.
5. Learned State counsel would support the case of the prosecution.
6. I have heard learned counsel appearing for the

parties and perused the case diary.

7. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence and further considering that there is a delay of 7 months in lodging the FIR, as the offence is said to have been committed on 27.08.2020 and the FIR has been lodged on 26.03.2021, the applicant is in jail since 27.03.2021 and the prosecutrix is major, I am inclined to release the applicant on bail.

8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Sd/-

Sanjay K. Agrawal
Vacation Judge

Nirala