

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.8344 of 2021

Parmeshwar Sahu, S/o Shri Ramratan Sahu, aged about 24 years, R/o Ward No.7, Yadav Nagar, Tifra, Bilaspur, Thana Sirgitti, Distt. Bilaspur (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Kanker, Distt. North Baster Kanker (C.G.)

---- Non-applicant

For Applicant: Mr. Sunil Sahu, Advocate.
For Non-applicant: Mr. Amit Buxy, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

16/12/2021

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.256/2021, registered at Police Station Kanker, Distt. North Baster Kanker, for the offence punishable under Sections 376 and 376(2)(n) of the IPC.
2. Case of the prosecution, in brief, is that the applicant committed sexual intercourse on regular basis upon the prosecutrix on the pretext of marriage from 26-1-2020 to 24-9-2021 and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. There is delay of more than one year in lodging the first information report (FIR) and the prosecutrix is major and consenting party. The

applicant is in jail since 5-10-2021, charge-sheet has been filed and no custodial interrogation of the applicant is required.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, delay in lodging the FIR, pretrial detention of the applicant, charge-sheet has been filed and no custodial interrogation of the applicant is required, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge