

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 2306 OF 2015**

Mahadev, aged about 20 years, S/o Vasudev, R/o P.V. 79, Shantipur, Thana Bande, Tahsil Pakhanjore, Distt. U.B. Kanker

---Applicant**Versus**

The State of Chhattisgarh, through Police Station Bande, Distt. U.B. Kanker

---Non-applicant

For Applicant	:	Mr. Parag Kotecha, Advocate
For Non-applicant	:	Mr. Suvigya Awasthi, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****06/07/2015**

1. 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. 11/15, registered at Police Station Bande, Distt. Kanker, for the offence punishable under Sections 376, 450, 506 of Indian Penal Code and Section 4 & 6 of the Protection of Children From Sexual Offences Act, 2012 and 67-A of Information and Technology Act.

2. Case of the prosecution, in brief, is that applicant is said to have repeatedly committed sexual intercourse with the prosecutrix one year prior to the date of First Information Report i.e. 25/02/2015.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that there is delay of one year in lodging First Information Report and the prosecutrix is major and consenting party. He would lastly submit that charge sheet has been filed and applicant is in jail since 26/02/2015, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that prosecutrix was minor on the date of offence.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; age of the prosecutrix; role of the present applicant in offence in question and charge sheet has already been filed, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on furnishing 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, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE