

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.2969 of 2015**

Naihar Sai S/o Nankidas Panika aged about 34 years, Occupation Labour,
R/o Village Veshkimunda, Matko, Police Station Lailunga, District Raigarh,
Civil & Revenue District Raigarh (CG)

---Applicant**Versus**

State of Chhattisgarh, Through: Station House Officer, Police Station :
Batouli, District : Sarguja (CG)

---Non-applicant

For Applicant	:	Mr. Vivek Pandey, Advocate
For Non-applicant	:	Mr. Neeraj Pradhan, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****05/08/2015**

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.115/2014, registered at Police Station-Batouli, District-Sarguja (C.G.), for the offence punishable under Sections 366A, 363, 368 & 376 of the IPC, 3 (2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and 3(A)/4 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that the present applicant allowed shelter to the prosecutrix to his house, in which offence alleged to have been committed. The main allegation is against Ramdas, who has committed sexual intercourse with the minor prosecutrix.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He

has only given shelter to the prosecutrix to his house, he is in jail more than six months, trial has been commenced and four witnesses have already been examined.

4. On the other hand, learned counsel for the State would oppose the bail application.

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, also considering the fact that there is no allegation of rape against the present applicant and he is in jail more than six months, 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

B/-