

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3158 OF 2015**

Mohammad Shahnawaj @ Monu, S/o Mohd. Ahmad Khan, age 22 years, R/o Ganesh Nagar Police Station Sirgitti, Tahsil and District Bilaspur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, through Police Station Sirgitti District Bilaspur (C.G.)

---Non-applicant

For Applicant	:	Mr. Vijay Kumar Mishra and Mr. Krishna Kumar Khatri, Advocates
For Non-applicant	:	Mr. Neeraj Pradan, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****08/07/2015**

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. 32/2015, registered at Police Station Sirgitti, District Bilaspur, for the offence punishable under Sections 363, 366, 376 of Indian Penal Code, Sections 3, 4 of POCSO Act and Section 3(2)(5) of SC/ST Act.
2. Case of the prosecution, in brief, is that applicant is alleged to have kidnapped the prosecutrix and committed sexual intercourse with her.
3. Learned counsel for the applicant would submit that applicant has been falsely implicated in this case as prosecutrix is major and consenting party. He would further submit that charge sheet has been filed and applicant is in jail since 17/05/2015, 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 is minor at the time 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; 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