

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3097 of 2015

- Santosh Vishwakarma, s/o. Satendra Vishwakarma, aged about 22 years, r/o.village Namnakala, Police Station Ambikapur, Civil & Revenue District Surguja (CG).

---- Applicant

Versus

- State Of Chhattisgarh Through: the Station House Officer, Police Station Ambikapur, Civil and Revenue District Surguja (CG).

---- Respondent

For Applicant	:	Mr. V.K. Pandey, Advocate.
For Respondent/State	:	Mr. Qamrul Aziz Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

6/7/2015

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 16-6-2015 in connection with Crime No. 234 of 2015 registered at Police Station Ambikapur, Civil and Revenue District Surguja (CG), for the offence punishable under Sections 363 & 366 of IPC and Sections 7 & 8 of the Protection of Children from Sexual Offences Act, 2012.
2. The case of the prosecution, in brief, is that on 14-5-2015 the present applicant abducted the prosecutrix and committed sexual intercourse with her against her will and thereby he committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the present has not committed any offence and he has been falsely implicated in the case. He would further submit that there is no allegation of rape against the applicant, substantive investigation has already been completed, charge-sheet is yet to be filed, the applicant is in jail since 16-6-2015 and no useful purpose would be served by keeping him in jail, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposing the bail application would submit that the prosecutrix was minor on the date of incident i.e., seven years and nine months, therefore, present applicant is not entitled to be released on bail.
5. I have heard the counsel appearing for the parties and perused the case diary.
6. Taking into consideration all the facts and circumstances of the case, nature and gravity of the offence, material collected by the prosecution, pre-trial detention of the applicant, and considering the defence of the applicant, I am of the considered opinion that *prima facie* it is a fit case where the applicant can be released on bail.
7. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on his furnishing a personal bond of Rs.25,000/- along with one surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial court on each and every date given to him by the said Court till disposal of the trial.
8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge