

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3510 of 2015

Roshan Lal Kewant, S/o Suresh Kewant, aged about 19 years, Caste Kewant, R/o Village Khadhgava, P.S. Khadgava, District Korea (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Khadgava, District Korea (C.G.)

---- Non-applicant

For Applicant:	Dr. Shailesh Ahuja, Advocate.
For Non-applicant:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

11/08/2015

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.71/2015, registered at Police Station Khadhgava, Distt. Korea, for the offence punishable under Sections 363, 366, 376 of the IPC and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 25-4-2015, the applicant is said to have kidnapped the minor prosecutrix from her lawful guardianship and taken her to Sidhi and committed sexual intercourse upon her.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. He further submits that the prosecutrix is major aged about 18 years, she is consenting party, she remained with the applicant from 25-4-2015 to 2-5-2015 at Sidhi and did not raise any alarm for any assistance, as such, she is major and consenting party and there is love affair of the prosecutrix with the

applicant for last two years. According to the own version of the prosecution, age of the prosecutrix is 17 years 8 months and the applicant is in jail since 15-5-2015. Charge-sheet has already 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, considering the fact that the date of incident is 25-4-2015, whereas the FIR is said to have been lodged on 3-5-2015, considering the statement of the prosecutrix and other prosecution witnesses, pre-trial detention of the applicant and the fact that charge-sheet has already been filed, I am of the view that it is a fit case to grant regular bail to the applicant. 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