

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3570 of 2015

Monu @ Yashwant, S/o Late Daya Kishan Dahiya, aged about 21 years,
residing at Near Umapal House, Behind Janpad School, Tahsil Para
Kondagaon, P.S. Kondagaon, Revenue and Civil District Kondagaon (C.G.)
---- Applicant

Versus

State of Chhattisgarh, Through the Police Station Farasgaon, District
Kondagaon (C.G.)
---- Non-applicant

For Applicant: Mr. P.K. Tulsyan, Advocate.

For Non-applicant: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

27/07/2015

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.112/2014 (Special ST No.9/2014 pending in the Court of Additional Sessions Judge, Kondagaon), registered at Police Station Farasgaon, Distt. Kondagaon, for the offence punishable under Sections 363, 366, 376, 212 of the IPC and 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant is alleged to have kidnapped and committed sexual intercourse with the prosecutrix on 21-10-2014 and thereby committed the offence.
3. I have heard learned counsel for the parties and perused the case diary.
4. Learned counsel for the applicant referring to the statements of the

prosecutrix recorded under Sections 161 and 164 of the CrPC submits that the prosecutrix is major and consenting party and as such, the applicant has not committed any offence and he is in jail since 23-10-2014, and charge sheet has already been filed.

5. On the other hand, learned State counsel opposes the application.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant in the offence in question, material available in the case diary, extent of delay in lodging the FIR, pre-trial detention of the applicant, considering the statements of the prosecutrix recorded under Sections 161 & 164 of the CrPC 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