

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3628 of 2015

1. Khelan, S/o Shiv Kumar, aged 18 years, R/o Mathpur, P.S. Kukdur, Teh. Pandaria, Distt. Kabirdham (C.G.)
2. Rajesh @ Duklaha, S/o Sakharam, aged 37 years, R/o Mathpur, P.S. Kukdur, Teh. Pandaria, Distt. Kabirdham (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Station House Officer, Kukdur, Distt. Kabirdham (C.G.)

---- Non-applicant

For Applicants:	Mr. Ajay Ayachi, Advocate.
For Non-applicant:	Mr. Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board03/08/2015

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.38/2015, registered at Police Station Kukdur, Distt. Kabirdham, for the offence punishable under Sections 363, 366 read with Section 34 of the IPC and 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicants are said to have kidnapped the minor complainant in order to force her for illicit sexual intercourse and thereby committed the offence.
3. I have heard learned counsel for the parties and perused the case diary.
4. Learned counsel for the applicants referring to the statement of the complainant recorded under Section 164 of the CrPC would submit that the complainant had voluntarily gone with the applicants and no offence of rape

has been committed upon her as such, the applicants are in jail since 3-5-2015 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, statement of the complainant recorded under Section 164 of the CrPC, role of the present applicants, pre-trial detention of the applicants 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 applicants. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicants be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge