

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3877 OF 2015**

Devendra Banware @ Shubham, son of Bhauram Banware, aged about 20 years, resident of Ward No. 3, Bodri, Police Station Chakarbhata, Civil and Revenue District Bilaspur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Chakarbhata, District Bilaspur (C.G.)

---Non-applicant

For Applicant	:	Mr. Sunil Otvani, Advocate
For Non-applicant	:	Mr. Neeraj Pradhan, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****10/08/2015**

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. 125/2015, registered at Police Station Chakarbhata District Bilaspur (C.G.), for the offence punishable under Sections 363, 366, 376, 34 of IPC & Section 4, 6 of POSCO Act 2012.

2. Case of the prosecution, in brief, is that on 25/04/2015 present applicant and other co-accused abducted the prosecutrix and present applicant committed sexual intercourse with the prosecutrix.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that prosecutrix is major and consenting party which is apparent from her statement recorded under Section 161 of the

Cr.P.C. He would further submit that it is not supported by medical evidence. He would lastly submit that charge sheet has been filed and applicant is in jail since 26/04/2015 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 she was minor on the date 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; age of the prosecutrix; statement of the prosecutrix recorded under Section 161 of the Cr.P.C.; charge sheet has been filed and applicant is in jail since 26/04/2015, 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