

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4084 of 2015**

S.Kumar S/o Amrit Lal, aged about 19 years, by caste Sahu, R/o Village Katoud, Police Station : Nawagrh, District : Janjgir-Champa (CG)

---Applicant**Versus**

State of Chhattisgarh Through the Station House Officer, Police Station : Ajak, Janjgir, District Janjgir-Champa (CG)

---Non-applicant

For Applicant	:	Mr. Gurudev I. Sharan, Advocate
For Non-applicant	:	Mr. Neeraj Pradhan, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****18/08/2015**

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.8/2015, registered at Police Station-Ajak, Janjgir, District Janjgir-Champa (C.G.), for the offence punishable under Sections 363, 366 & 376 of the IPC, Section 3 (1) (12) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 6 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 minor prosecutrix on 5.4.2015 at 6 p.m. and taken her to Jammu and knowing well that she is a member of Scheduled Tribe, subjected her to forcefully intercourse and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the prosecutrix is major and consenting party, as the incident is said to have been occurred on 5.4.2015, the prosecutrix

returned back to her house on 17.4.2015 and F.I.R. has been lodged on 19.4.2015 and medical report does not support the case of the prosecution. He would also submit that the applicant is in jail since 22.4.2015 and charge-sheet has already been filed, therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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; role of the present applicant, 161 statement of the prosecutrix, medical evidence, extent of delay in lodging the F.I.R. and pre-trial detention of the applicant, 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

B/-