

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4274 OF 2015**

Sunil Kurre S/o Chait Ram Kurre aged about 22 years (Satnami) R/o village Nathunawagaon, Post Tumribod, Police Station and Tehsil Dongargaon, Dist. Rajnandgaon (C.G.)

---Applicant**Versus**

State of Chhattisgarh through District Magistrate, Rajnandgaon (C.G.)

---Non-applicant

For Applicant	:	Mr. Basant Dewangan, Advocate
For Non-applicant	:	Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****24/08/2015**

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. 52/2015, registered at Police Station Lalbagh, Rajnandgaon (C.G.), for the offence punishable under Sections 363, 366, 376 of IPC.

2. Case of the prosecution, in brief, is that present applicant is alleged to have kidnapped the minor prosecutrix and committed forcible sexual intercourse with her from 16/02/2015 to 01/06/2015 and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that prosecutrix is major and consenting party. He would also submit that applicant and prosecutrix have lived together for last four

months. He would lastly submit that charge sheet has been filed and applicant is in jail since 01/06/2015 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 prosecutrix is 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; statement of prosecutrix under Section 161 of the Cr.P.C.; charge sheet has been filed and applicant is in jail since 01/06/2015, 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