

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4376 of 2015**

Gulshan Suryawanshi @ Gulshan Kumar Suryawanshi, aged about 19 years, son of Shri Harprasad Suryawanshi, Student, Resident of village – Kisan Parsada, Police Station – Masturi, Civil and Revenue Distt.Bilaspur (CG)

---Applicant

Versus

State of C.G. through Police Station-Masturi, Distt.Bilaspur (CG)

---Non-applicant

For Applicant	:	Mr. Rakesh Pandey, Advocate
For Non-applicant	:	Mr. Anupam Dubey, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**31/08/2015**

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.204/2015, registered at Police Station-Masturi, District Bilaspur (C.G.), for the offence punishable under Sections 377, 506, 294 & 323 of the IPC read with Sections 3(A) & 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that the applicant has committed carnal intercourse against the order of nature with the minor complainant on 1.7.2015 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 intercourse has not supported by medical evidence either of the accused or of the complainant, there is delay of 3 days in lodging the F.I.R, the applicant is in jail since 5.7.2015 and charge-sheet has already been filed, therefore, he may be enlarged on 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; his pre-trial detention; medical evidence available on record and the fact that charge-sheet has already been filed, this Court is of the opinion that present is a 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/-