

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3649 OF 2015**

Satish Masih S/o Julious Masih, aged about 22 years, R/o Jora, Raipur,
Police Station Telibandha, Raipur Civil and Revenue District Raipur (C.G.)

---Applicant**Versus**

State of Chhattisgarh Through : Station House Officer, out post Birejhar,
Police Station Kurud, District Dhamtari (C.G.)

---Non-applicant

For Applicant	:	Mr. Pushpendra Kumar Patel, Advocate
For Non-applicant	:	Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****04/08/2015**

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. 634/2014, registered at Out post Birejhar, P.S. Kurud, District Dhamtari (C.G.), for the offence punishable under Sections 363, 366, 376, 417 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act and Section 3(1)12, 3(2)5 of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.

2. Case of the prosecution, in brief, is that, on 28/11/2014 applicant has committed sexual intercourse with the victim 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 the offence in question. He would further submit that victim is major and consenting party,

which is apparent from the statement of victim recorded under Section 161 of the Cr.P.C. He would lastly submit that charge sheet has been filed and applicant is in jail since 26/03/2015 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 victim 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; role of the present applicant in offence in question; age of the victim, ossification test report and charge sheet has been filed, 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