

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3957 OF 2015**

Ganga Ram S/o Budhram Banjare, aged about 22 years, R/o village Gadamore (wrongly mentioned as Gadamore in certified copy) Police Station Nawagarh, Civil and Revenue District Bemetara, District Bemetara (C.G.)

---Applicant**Versus**

State of Chhattisgarh, through, Station House Officer, Police of Police Station Palari, District Baloda Bazar-Bhatapara (C.G.)

---Non-applicant

For Applicant	:	Mr. Anil Gulati, Advocate
For Non-applicant	:	Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/08/2015**

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. 255/2014, registered at Police Station Palari, Distt. Baloda Bazar-Bhatapara (C.G.), for the offence punishable under Sections 363, 366, 376 of I.P.C. and Section 4 of the Protection of Children from Sexual Offences Act.

2. Case of the prosecution, in brief, is that, on 18/04/2015 applicant is alleged to have abducted prosecutrix and committed sexual intercourse with her.

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 prosecutrix is major and consenting

party, which is apparent from her statement recorded under Section 164 of Cr.P.C., in which, she has clearly refused to undergo for medical examination and she was recovered along with applicant from her father's house. He would lastly submit that applicant is in jail since 15/07/2015 therefore, he may be released 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 in offence in question; pretrial detention of the applicant; statement of prosecutrix recorded under Section 164 of the Cr.P.C. and the fact that prosecutrix is recovered along with applicant from her father's house, 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