

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3255 OF 2015**

Tikeshwar Sen @ Yadal S/o Shri Pawan Sen, aged about 20 years, R/o In the house of Udal Satnami, Bazar Chowk, Mandir Hasoud, Police Station Mandir Hasoud, Civil & Revenue District Raipur (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through: Police Station Mandir Hasoud, District Raipur (C.G.)

---Non-applicant

For Applicant	:	Mr. Amarnath Pandey, Advocate
For Non-applicant	:	Mr. Qamarul Aziz, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****14/07/2015**

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. 350/2014, registered at Police Station Mandir Hasoud, District Raipur (C.G.), for the offence punishable under Sections 363, 366, 376 (2) (dha) of Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act.

2. Case of the prosecution, in brief, is that on 26/11/2014, applicant abducted the prosecutrix; taken her to Jagdalpur and committed sexual intercourse with her 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 prosecutrix is major and consenting party; she had gone with the applicant voluntarily and the age of the

prosecutrix is 19 years as per ossification test. He would refer to the statement of prosecutrix recorded under Section 164 of the Cr.P.C. He would further submit that no custodial interrogation is required. He would lastly submit that charge sheet has been filed and applicant is in jail since 09/02/2015 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 and further taking into consideration the nature and gravity of offence; age of the prosecutrix; statement of the prosecutrix recorded under Section 164 of the Cr.P.C.; role of the applicant in offence in question and pretrial 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