

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3442 of 2015**

Jaylal Das S/o Kabir Das, aged about 24 years, R/o Village Salka, Police Station Darima, Civil and Revenue District Surguja (CG)

---Applicant**Versus**

The State of Chhattisgarh; Through; the Police Station Darima, Civil and Revenue District Surguja (CG)

---Non-applicant

For Applicant	:	Ms Sarina Khan, Advocate
For Non-applicant	:	Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****28/07/2015**

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.55/2015, registered at Police Station-Darima, District-Surguja (CG), for the offence punishable under Sections 363, 366 & 376 of the IPC and 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that the present applicant abducted the prosecutrix and committed sexual intercourse with her on the pretext of marriage.

3. Learned counsel for the applicant would submit that the prosecutrix was major and consenting party, the applicant has not committed any offence and has been falsely implicated in crime in question. Learned counsel would further submit that the applicant is in jail since 22.4.2015, charge-sheet has

already been filed and no custodial interrogation is required.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the prosecutrix 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 and statement of the prosecutrix under Section 161 of the Cr.P.C., 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

B/-