

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3500 of 2015**

Lokesh Sinha, S/o Kalyan Sinha, aged about 18 years, R/o-Village-Gopalpur,
Police Station & Post Office-Mainpur, District-Gariyaband (CG)

---Applicant**Versus**

State of Chhattisgarh through the Station House Officer, Police Station –
Mainpur, District-Gariyaband (CG)

---Non-applicant

For Applicant	:	Mr. Shivendu Pandya, Advocate
For Non-applicant	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****27/07/2015**

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.40/2015, registered at Police Station-Mainpur, Distt.Gariyaband (C.G.), for the offence punishable under Sections 363, 366 & 376 of the IPC and 3 (1) (12) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and 5 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that the applicant has abducted and committed sexual intercourse with the prosecutrix and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the prosecutrix is major and consenting party, which is apparent from her statements under Sections 161 and 164 of the Cr.P.C. Learned counsel would further submit

that the applicant is in jail since 17.4.2015 and charge-sheet has already been filed.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that on the date of offence, the prosecutrix was minor.

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; her statement under Section 161 of the Cr.P.C., pre-trial detention of the applicant and the fact that charge-sheet has already 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