

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 4139 OF 2015**

Sunil Kumar Mungankar, S/o Sonaram Mugankar, aged about 32 years,
Occupation Shiksha Karmi Grade III, R/o Village Badsena, Thasil & PS
Ambagarh Chowki, Dist. Rajnandgaon (CG)

Presently posting place at village Kursitikul, PS Ambagarh Chowki, District
Rajnandgaon (CG)

---Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station
Ambagarh Chowki, District Rajnandgaon (CG).

---Non-applicant

For Applicant	:	Mr. Aditya Bhardwaj, Advocate
For Non-applicant	:	Mr. Neeraj Pradhan, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****19/08/2015**

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. 111/2015, registered at Police Station Ambagarh Chowki, Rajnandgaon, for the offence punishable under Sections 376 & 506 of the Indian Penal Code; 4 & 8 of the Protection of Children from Sexual Offence Act, 2012, and 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Case of the prosecution, in brief, is that applicant is alleged to have committed sexual intercourse with the minor prosecutrix from November, 2013 to November, 2014 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 offence in question. He would further submit that according to the Radiologist report, she is major and consenting party and there is delay of more than two years in lodging of FIR as the FIR is lodged on 07/05/2015. He would also submit that there is no medical evidence to connect the applicant in crime in question. He would lastly submit that charge sheet has been filed and applicant is in jail since 14/07/2015, 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 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; age of the prosecutrix as per Radiologist report; extent of delay in lodging FIR; role of the applicant in offence in question; charge sheet has already been filed and applicant is in jail since 14/07/2015, 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