

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4336 of 2015**

Vijay Kumar Bande, S/o Shri Devendra Bande, aged about 20 years, R/o Village Cherai Pada, P.S. Bastar, District Bastar (Chhattisgarh)

---- Applicant**Versus**

State Of Chhattisgarh, Through: Station House Officer, Police Station – Keshkal, District – Kondagaon (C.G.)

---- Non-applicant

For Applicant:	Shri Sourabh Sharma, Advocate.
For Non-Applicant	Shri Anupam Dubey, Deputy Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****25/08/2015**

Heard.

(1) This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.113/2014 registered at Police Station Keshkal, District - Kondagaon for the offences punishable under Sections 363 & 366 of the Indian Penal Code and under Section 8 of the Protection of Children from Sexual Offences Act, 2012 (henceforth 'POSCO Act').

(2) Case of the prosecution, in brief, is that on 28.09.2014 applicant has allegedly kidnapped the minor prosecutrix to compel her to marry

with him against her will; and also sexually assaulted her and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that there is no allegation of sexual assault against the applicant and, as such, provisions of Section 8 of the POSCO Act is not attracted in the present case. He further submits that the prosecutrix has gone with the applicant voluntarily; the applicant is in jail since 12.03.2015 and charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; and the statement made with regard to applicability of the POSCO Act, 2012; role of the present applicant in the offence in question; considering his pre trial detention; and the charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

