

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4310 OF 2015**

Kamal Sahu son of Santuram Sahu, aged about 22 years resident of Salheghori, Police Station Lormi District Mungeli (C.G.)

---Applicant**Versus**

State of Chhattisgarh through the Station House Officer Police Station Lormi District Mungeli (C.G.)

---Non-applicant

For Applicant	:	Mr. Goutam Khetrapal, Advocate
For Non-applicant	:	Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****08/09/2015**

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. 54/2015, registered at Police Station Lormi, District Mungeli (C.G.), for the offence punishable under Sections 366, 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.

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

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 six prosecution witnesses have been examined, in which, five prosecution witnesses have supported the case of the prosecution but the prosecutrix has not supported the case of the

prosecution. 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; further taking into consideration the nature and gravity of offence; role of the present applicant in offence in question; charge sheet has already been filed 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