

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4672 OF 2015**

Chhotu @ Rajesh Sahu S/o Late Uttam Sahu, aged about 23 years, R/o near Jagdamba Mandir Raigarh Police Station Raigarh, District Raigarh (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through: Station House Officer, Police Station Kotwali Raigarh, District Raigarh (C.G.)

---Non-applicant

For Applicant	:	Mr. Amit Singh, Advocate
For Non-applicant	:	Mr. Suvigya Awasthi, 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. 483/2013, registered at Police Station Kotwali Raigarh, District Raigarh (C.G.), for the offence punishable under Sections 363, 366, 376 of Indian Penal Code & Section 4 of Protection of Children from Sexual Offence Act.

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 offence in question. He would further submit that prosecutrix and her father Purshottam Yadav have been examined and they have not supported the case of the prosecution. He would further submit that Radiologist has also been

examined whose report goes to show that prosecutrix is major girl. He would lastly submit that charge sheet has been filed and applicant is in jail since 27/02/2015 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; statements of prosecutrix & her father, report of the Radiologist, medical evidence; 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 trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE