

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 4677 OF 2015**

Milap Baghel S/o Shri Maniram Baghel, aged about 22 years, R/o Village Kotni, Police Station Mandir Hasoud, District Raipur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Mandir Hasoud, District Raipur (C.G.)

---Non-applicant

For Applicant	:	Mr. C.R. Sahu, Advocate
For Non-applicant	:	Mr. Anant Bajpai, P.L.

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

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. 210/2015, registered at Police Station Mandir Hasoud, District Raipur (C.G.), for the offence punishable under Sections 363, 366, 376 of Indian Penal Code & Section 4, 6 of Protection of Children from Sexual Offence Act, 2012.

2. Case of the prosecution, in brief, is that, on 23/07/2015 applicant abducted minor prosecutrix and committed forcible sexual intercourse with her and thereby committed aforesaid 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 prosecutrix is major and consenting party as applicant is already married with her and they are living together

husband and wife. He would lastly submit that charge sheet has been filed and applicant is in jail since 31/07/2015 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 applicant in offence in question; her statement recorded under Section 164 of the Cr.P.C. pretrial detention of the applicant and 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 trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE