

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 5798 OF 2015**

Gurumukhdas Jumnani, S/o Late Gopichand Jumnani, aged about 45 years,
R/o House No. 153, Deepak Nagar, Near Railway Station, P.S. Mohan Nagar,
Durg, District Durg (C.G.)

---Applicant

Versus

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

---Non-applicant

For Applicant	:	Dr. Shailesh Ahuja, Advocate
For Non-applicant	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****27/11/2015**

1. This is the second 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. 102/2015, registered at Police Station Somni, District Rajnandgaon (C.G.), for the offence punishable under Sections 450, 363, 366, 376 (ड)(ज) of the I.P.C. and Section 6 of the Protection of Children from Sexual Offence Act, 2012.
2. First bail application of the applicant was dismissed on merit vide order dated 22/09/2015 passed in M.Cr.C. No.4623/2015 with liberty to file after material prosecution witnesses are examined. This second bail application has been filed after examination of six prosecution witnesses.
3. Case of the prosecution, in brief, is that the present applicant is alleged to have abducted/kidnapped the minor prosecutrix and committed

forceful sexual intercourse with her twice from first week of May, 2015 to first week of June, 2015 and thereby committed the aforesaid offence.

4. Learned counsel for the applicant would submit that prosecutrix (PW-6) and five other witnesses have been examined. He would further submit that in her statement, prosecutrix clearly stated that the applicant has not committed sexual intercourse with her and even after being declared hostile, she has maintained her version. He would lastly submit that applicant is in jail since 30/06/2015, therefore, he may be released on bail.

5. On the other hand, learned counsel for the State would oppose the second bail application.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; age of the prosecutrix; involvement of applicant in commission of offence; material available on record including statements of six prosecution witnesses including the statement of prosecutrix, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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.

10. Certified copy as per rules.

Sd/-
(**Sanjay K. Agrawal**)
JUDGE