

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr. C No. 6510 of 2015**

- Dhaneshwar Ajay, S/o Tikaram Ajay (wrongly mentioned in Annexure A-1), aged about 22 years, Occupation – Labour, R/o Barbhantha, P.S. - Sarangarh, Civil & Revenue Distt. Raigarh (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station-Sarangarh, Distt. Raigarh (C.G.)

---- Respondent

For Applicant: Smt. Indira Tripathi, Advocate.

For Respondent/State: Shri Ajit Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****21/12/2015**

Heard.

(1) The accused/applicant has moved this second bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 110/2015 registered at Police Station Sarangarh, Distt. Raigarh (C.G.) for the offences punishable under Sections 363, 366 & 376 of the Indian Penal Code and under Sections 4 & 6 of POSCO Act.

(2) The applicant's first bail application was dismissed as withdrawn with liberty to repeat the same after material prosecution witnesses are examined by order of this Court dated 09.09.2015 passed in M.Cr.C. No.4725/2015.

(3) Case of the prosecution, in brief, is that applicant kidnapped the prosecutrix and committed sexual intercourse with her against her will on 23.03.2015 and thereby committed the aforesaid offences.

(4) Learned counsel appearing for the applicant would submit that the prosecutrix & her parents have been examined during trial and they have not supported the case of the prosecution. He further submits that the applicant is languishing in jail since 17.07.2015 and no useful purpose would be served in detaining him in jail as the trial is likely to take some time for its final disposal and, therefore, the applicant may be released on bail.

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

(6) Taking into consideration the facts & circumstances of the case; further considering the statements of the prosecutrix and her parents; his pre-trial detention and the fact that no custodial interrogation is required; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(7) 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. She is directed to appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

