

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4750 of 2015**

- Dipesh Kumar Dhamgaye, son of Ramadhin Dhamgaye, aged about 22 years, R/o. Handitola, P.S. and Tahsil Ambagarh Chowki, District Rajnandgaon (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: Station House Officer, P.S. Ambagarh Chowki, District Rajnandgaon (C.G.)

---- Non-applicant

For Applicant:	:Mr. Shailendra Dubey, Advocate.
For Non-applicant/State	:Mr. Neeraj Kumar Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****15/09/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 190/2015 registered at Police Station Ambagarh Chowki, District Rajnandgaon for the offences punishable under Sections 363, 366 & 376 of the Indian Penal Code and Sections 4 & 8 of Protection of Children from Sexual Offences Act.

(2) Case of the prosecution, in brief, is that on 7.8.2015 present applicant and other co-accused abducted the prosecutrix and taken her to Nagpur where co-accused Pankaj Jambhulkar committed sexual intercourse with her against her will and

thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that there is no allegation of rape against the present applicant, it is co-accused Pankaj Jambhulkar, who has abducted the prosecutrix and taken her to Nagpur and committed sexual intercourse with her. He further submits that the applicant is in jail since 11.08.2015 and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application and submits that prosecutrix was minor on the date of offence.

(5) Taking into consideration the facts & circumstances of the case; role of the present applicant in the offence in question; there is no allegation of rape and abduction against the present applicant; applicant is in jail since 11.8.2015 and substantial investigation has already been made; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) 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. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

