

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4978 OF 2015**

Rajkumar S/o Uday Rajwar aged about 30 years Caste Rajwar Occupation Agriculture R/o village Ragda Outpost Basrei Tahsil & District Surajpur, Civil District Surguja Revenue District Surajpur (C.G.)

---Applicant

Versus

The State of Chhattisgarh through Police Station Odagi District Surajpur (C.G.)

---Non-applicant

For Applicant	:	Mr. A.K. Prasad, Advocate
For Non-applicant	:	Mr. Arvind Shukla, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****22/09/2015**

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. 55/2015, registered at Police Station Odagi, District Surajpur (C.G.), for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that applicant and other co-accused- Mohan kidnapped the minor prosecutrix on 29/06/2015 at about 8.00 P.M. and co-accused- Mohan committed forcible sexual intercourse with the minor prosecutrix.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the offence in question. He would further submit that there is no allegation of rape against

the present applicant and he is only said to have assisted the co-accused- Mohan in kidnapping the prosecutrix. He would lastly submit that charge sheet has been filed and applicant is in jail since 24/08/2015 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 present applicant in offence in question; no allegation of rape against the present applicant; 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 concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE