

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 5121 OF 2015**

Pradeep Tigga S/o Reema Tigga Aged about 22 years Occupation labor R/o
Village Paremer P.S. Kapu Distt. Raiagrh (C.G.)

---Applicant

Versus

State of Chhattisgarh, Through Police Station Batouli Distt. Surguja (C.G.)

---Non-applicant

For Applicant	:	Mr. Vivek Kumar Pandey, Advocate
For Non-applicant	:	Mr. Varun Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****28/09/2015**

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. 37/2015, registered at Police Station Batouli Distt. Surguja, for the offence punishable under Sections 363, 366, 376 of I.P.C.

2. Case of the prosecution, in brief, is that, on 29/06/2014 applicant abducted major prosecutrix and committed sexual intercourse with her.

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 she is major and consenting party which is apparent from the fact that FIR was lodged on 07/03/2015 and there is no explanation for huge delay. He would further submit that no custodial interrogation is required and no useful purpose would be served by keeping applicant in jail. He would lastly submit that charge sheet has been filed and

applicant is in jail since 27/06/2015 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; charge sheet has already been filed and applicant is in jail since 27/06/2015, 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