

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 5337 OF 2015**

Laxman Baghel S/o Late Ramadhar Baghel, aged about 20 years, R/o village Karanpur, Nayapara, Civil and Revenue District Kondagaon (C.G.)

---Applicant**Versus**

State of Chhattisgarh Through Police Station Kondagaon, District Kondagaon (C.G.)

---Non-applicant

For Applicant	:	Mr. Kishore Narayan, Advocate
For Non-applicant	:	Mr. S. R. J. Jaiswal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****08/10/2015**

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. 120/2015, registered at Police Station Kondagaon, District Kondagaon (C.G.), for the offence punishable under Sections 363, 342, 366, 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that, on 04/05/2015 co-accused Lachhu Kashyap kidnapped minor prosecutrix and committed forcible sexual intercourse with her in which applicant said to have assisted co-accused.

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 main allegation of kidnapping and rape against co-accused Lachhu Kashyap and there is no evidence to connect the

applicant in offence in question. He would lastly submit that charge sheet has been filed and applicant is in jail since 13/05/2015, 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 applicant in offence in question; main allegation of kidnapping and rape against co-accused Lachhu Kashyap 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 trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE