

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 5430 OF 2015**

Rajkumar Sonwani S/o Shri Nand Kumar age 22 (wrongly mentioned in cause title as 42), R/o Village Bathena, P.S. & Tahsil Patan, District Durg, Civil & Revenue District Durg (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through District Magistrate Durg (CG).

---Non-applicant

For Applicant	:	Mr. Rajendra Tripathi, Advocate
For Non-applicant	:	Mr. Arvind Dubey, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****12/10/2015**

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. 100/15, registered at Police Station Patan Dist. Durg (C.G.), for the offence punishable under Sections 363, 366 of I.P.C.

2. Case of the prosecution, in brief, is that, on 04/07/2015 applicant kidnapped minor complainant compelling her to marry with him against her will and thereby committed aforesaid offence.

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 no allegation of rape, in fact, there is applicant had relation with the complainant. He would lastly submit that charge-sheet has been filed and applicant is in jail since 19/07/2015

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; material collected by the prosecution; role of the applicant in offence in question; charge sheet has already been filed and applicant is in jail since 19/07/2015, 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