

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5328 of 2015**

Mohan (Mohan Lal Verma) Verma, S/o Biselal Verma, Caste-Lodhi, aged about 23 years, R/o-Village-Jhuranadi Post Office, Police Station & Tahsil-Chhuikhadan, District-Rajnandgaon (CG)

---Applicant

Versus

State of Chhattisgarh through the Station House Officer, Police Station – Dhamdha, District – Durg (CG)

---Non-applicant

For Applicant	:	Mr.Shivendu Pandya, Advocate
For Non-applicant	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****06/10/2015**

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.166/2015, registered at Police Station-Dhamdha, District-Durg (C.G.), for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 5 & 6 of the POSCO Act.
2. Case of the prosecution, in brief, is that on 20.8.2015 the applicant abducted the minor prosecutrix and is alleged to have committed forceful sexual intercourse with her and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence, the prosecutrix was major and consenting party and she has falsely been implicated the present applicant in crime in question, which is apparent from her 161 statement and as such, in a false case he is languishing in jail since 22.8.2015 and charge-sheet is yet to be filed.
4. On the other hand, learned counsel for the State would oppose the

bail application and submit that the prosecutrix was minor on the date of commission of offence.

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; statement of the prosecutrix under Section 161 of the CrPC; pre-trial detention of the applicant and the fact that substantive investigation has already been completed, this Court is of the opinion that present is a 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 the applicant shall be released on bail on his 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

B/-