

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5358 of 2015**

Vishal Behra, S/o Sadanand Behra, aged about 22 years, R/o Tiurpara, Jogideepa, Ward No.11, Raigarh, Civil & Revenue Distt.Raigarh, Distt.-Raigarh (CG)

---Applicant

Versus

State of Chhattisgarh, Through :P.S.-City Kotwali, Raigarh, Distt.-Raigarh (CG)

---Non-applicant

For Applicant	:	Ms Sharmila Shinghai, Advocate
For Non-applicant	:	Mr. Neeraj Jain, Government Advocate

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.202/2015, registered at Police Station-City Kotwali, District-Raigarh (C.G.), for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that on 8.3.2015 the applicant is said to have kidnapped the prosecutrix and subjected to sexual intercourse with her.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. She would further submit that the prosecutrix was major and consenting party, which is apparent from her 164 statement as well as her statement before Jila Bal Sharkshan Samiti on 3.8.2015, she is more than 18 years and as such, in a false case registered against the present applicant, he is in jail since 2.8.2015 and charge-sheet has already been filed and therefore, he may be enlarged 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; considering the statement of the prosecutrix under Section 164 of the CrPC; evidence regarding her age and pre-trial detention of the applicant, 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 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/-