

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5359 of 2015

Hemkumar @ Prem Gada, S/o Tiratram, aged about 29 years, R/o
Karrapara, Bagbahra, Police Station Bagbahra, District Mahasamund (C.G.)
---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station
Bagbahra, District Mahasamund (C.G.)
---- Non-applicant

For Applicant:	Mr. Vikash Pradhan, Advocate.
For Non-applicant:	Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/10/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.149/2014, registered at Police Station Bagbahra, Distt. Mahasamund, for the offence punishable under Sections 363, 366, 376 of the IPC and 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 7-7-2014 at 8 a.m., the applicant is alleged to have abducted the prosecutrix and subjected her to sexual intercourse against her will by which she became pregnant.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the case and he is in custody since 9-7-2015. He further submits that the prosecutrix is major and consenting party and as such her statement, her father's statement (Laxman) and her mother's statement (Revati) in the Court have been

recorded and in which they have not supported the case of the prosecution.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, statements of the three prosecution witnesses and pretrial detention of the applicant, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge