

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5539 of 2015**

Rajesh Sivare S/o Prahlad Sivare, aged about 27 years, R/o Village-Iraikhurd,
Thana-Ghumka, Distt.-Rajnandgaon (CG)

---Applicant**Versus**

State of Chhattisgarh Through: Thana-Chhuikhadan, Distt.-Rajnandgaon (CG)

---Non-applicant

For Applicant	:	Mr. Samir Singh, Advocate
For Non-applicant	:	Mr. Neeraj Sharma, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****13/10/2015**

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.145/2015, registered at Police Station-Chhuikhadan, District-Rajnandgaon (C.G.), for the offence punishable under Sections 363, 366 & 376/34 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, on 21.5.2015 the applicant and co-accused Balram Lahre abducted the minor prosecutrix and co-accused committed forceful 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. He would further submit that there is no allegation of rape against the present applicant and only allegation against the present applicant is 363 of the IPC which is bailable. He is in jail since 3.8.2015 and charge-sheet has already been filed.
4. On the other hand, learned counsel for the State would oppose the

bail application and submit that the present applicant was involved in offence in question.

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; taking note of the fact that there is no allegation of rape against the present applicant, pre-trial detention of the applicant and the fact that charge-sheet has already been filed, 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 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/-