

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5535 of 2015**

Rajju Kumar Anchal, son of Shri Pundas Anchal, aged about 22 years, resident of Majgaon, Police Station Mungeli, Civil and Revenue District Mungeli, Chhattisgarh

---Applicant**Versus**

State of Chhattisgarh Through: Station House Officer, Police Station Mohdhapara, District Raipur Chhattisgarh

---Non-applicant

For Applicant	:	Mr. M.K.Bhaduri, Advocate
For Non-applicant	:	Mr. S.R.J.Jaiswal, Panel Lawyer

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.72/2015, registered at Police Station-Mohdhapara, District Raipur (C.G.), for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4, 6 & 18 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, on 21.5.2015 the applicant abducted the minor prosecutrix and 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 the prosecutrix is major and consenting party and as such, the applicant has married with her. He is in jail since 16.7.2015 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 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; role of the present applicant; age of the prosecutrix, medical evidence available, 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/-