

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.366 of 2016

Kapil Sahu, S/o Dilharan Sahu, aged about 21 years, R/o Village Hirri, P.S. Masturi, Civil and Revenue District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Masturi, Civil and Revenue Distt. Bilaspur (C.G.)

---- Non-applicant

For Applicant:	Mr. Shashi Kumar Kushwaha, Advocate.
For Non-applicant:	Mr. Dheeraj Kumar Wankhede, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/02/2016

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.325/2015, registered at Police Station Masturi, Distt. Bilaspur, for the offence punishable under Sections 363, 366, 376 read with Section 34 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant and two other co-accused persons abducted the minor prosecutrix and one co-accused Kedar Sahu is said to have committed sexual intercourse with the prosecutrix on 8-10-2015.
3. Learned counsel for the applicant submits that there is allegation of kidnap and rape against main accused Kedar Sahu and the present applicant is only said to have assisted the main accused in committing the offence, as such, there is no allegation of kidnap or sexual intercourse with the prosecutrix against the applicant. The

applicant is in custody since 11-10-2015. No overt act has been attributed against the applicant. Charge-sheet has been filed.

4. On the other hand, learned State counsel opposes the application and submits that the prosecutrix was minor on the date of offence.
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, role of the present applicant as the offence of rape is said to have been committed by Kedar Sahu and the applicant is said to have kidnapped the prosecutrix from her school, the applicant is in custody since 11-10-2015, charge-sheet has been filed and no custodial interrogation of the applicant is required, I am of the view that it is a fit case to enlarge the applicant on regular bail. 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