

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 531 OF 2016**

Sanjay Ram S/o Shri Chandan Sai, aged about 22 years,
 Cast Kanwar R/o Village Baro Police Station Farsabahar,
 Distt. Jashpur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer,
 Police Station Farsabahar, Distt. Jashpur (C.G.)

---Non-applicant

For Applicant	:	Mr. Arun Kumar Shukla, Advocate
For Non-applicant	:	Mr. Ajeet Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/02/2016**

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. 85/2015, registered at Police Station Farsabahar, Distt. Jashpur (C.G.), for the offence punishable under Sections 363, 366, 376/34 of Indian

Penal Code & Section 4 & 8 of Protection of Child from Sexual Offences Act & Section 3(12), 3(2-5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Case of the prosecution, in brief, is that, on 29/06/2015 applicant and co-accused Rameshwar Singh kidnapped prosecutrix and committed sexual intercourse with her and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in crime in question. He would further submit that FIR is delayed by two months and there is no allegation of rape against the present applicant. He would lastly submit that charge sheet has been filed, and applicant is in jail since 14/10/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that prosecutrix was minor on the date 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, allegation of rape against co-accused Rameshwar Singh; pretrial detention of the applicant and 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 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