

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 370 OF 2016**

Mohd. Ibrahim S/o Gulabuddin aged about 26 years R/o village Datima out post Karanji Police Station Vishrampur Tahsil Civil and Revenue District Surajpur (C.G.)

---Applicant**Versus**

State of Chhattisgarh through Station House Officer Police of Police Station Surajpur District Surajpur (C.G.)

---Non-applicant

For Applicant	:	Mr. Anil Gulati, Advocate
For Non-applicant	:	Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****16/02/2016**

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. 411/2015, registered at Police Station Surajpur Out Post Basdai, District Surajpur (C.G.), for the offence punishable under Sections 363, 366, 376, 498-A of I.P.C. and Section 4 of Protection of Children from Sexual Offences Act.

2. Case of the prosecution, in brief, is that applicant has kidnapped prosecutrix on 21/01/2015 up to 25/02/2015 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 this case. He would further submit that applicant has already married with the prosecutrix, which is apparent from the fact that offence under Section 498-A of IPC has been registered against him and FIR has been lodged on 05/11/2015, as such, there is delay of 10 months in lodging the FIR. He would further submit that prosecutrix is major on the date of commission of offence and there is no medical evidence in support of such offence. He would lastly submit that charge sheet has been filed and applicant is in jail since 01/12/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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 in offence in question; extent of delay in lodging the FIR; charge sheet has already been filed and applicant is in jail since 01/12/2015, I am 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

Tiwari