

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C.No.776 of 2016

Sonu @ Chudamani @ Aryan, S/o Atamaram Nirmalkar, aged about 19 years, R/o Village-Mohtara, Police Station Nawagarh, District-Bemetara (CG)

---Applicant

Versus

State of Chhattisgarh, Through: Police Station Bemetara, District-Bemetara (CG)

---Non-applicant

For Applicant	:	Mr. S.C. Verma, Advocate
For Non-applicant	:	Mr. Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

08/03/2016

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.314/2015, registered at Police Station-Bemetara, District-Bemetara (CG), for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that the present applicant kidnapped/abducted the minor prosecutrix and forcible committed 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, her father & mother have been examined, but they have not

supported the case of the prosecution. There is no medical evidence. The applicant is in jail since 6.6.2015 and charge-sheet has already been filed.

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 & circumstances of the case, nature and gravity of the offence, evidence on the question of age of the prosecutrix and the fact that the applicant is in jail since 6.6.2015, this Court is of the opinion that present is a 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 the 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-