

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 424 of 2016**

- Neelkanth @ Neelu Sonkar, S/o Shri Udal Ram Sonkar, aged about 27 years, R/o Indira Nagar, P.S. Basantpur, Tahsil and District Rajnandgaon (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: Police Station – Basantpur, Tahsil & Civil & Revenue District – Rajnandgaon (C.G.)

---- Non-applicant

For Applicant: Mr. Atanu Ghosh, Advocate.

For Non-applicant/State: Mr. Neeraj Kumar Sharma, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/02/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.329/2015 registered at Police Station Basantpur, District – Rajnandgaon (C.G.) for the offences punishable under Sections 342 and 376 of the Indian Penal Code.

(2) Case of the prosecution in brief is that applicant wrongfully confined major prosecutrix and committed sexual intercourse with her and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the prosecutrix is a major girl and she is consenting party to act of the applicant, which is apparent from her statement recorded by Medical

Officer during medical examination. He further submits that applicant has falsely been implicated in the case as there is no evidence available on record connecting the applicant with the crime in question. He also submits that applicant is in jail since 16.11.2015 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case, further considering the statement of the prosecutrix recorded during medical examination; and the facts that applicant is in jail since 16.11.2015; charge sheet has already been filed ; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

