

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.455 of 2016

Ishwar Nishad, S/o Shri Brijlal Nishad, aged about 23 years, R/o Village Armarikala, P.S. Gurur, District Balod, Civil and Revenue District Balod (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, P.S. Gurur, District Balod (C.G.)

---- Non-applicant

For Applicant:	Mr. Goutam Khetrapal, Advocate.
For Non-applicant:	Mr. Neeraj Kumar Sharma, Deputy G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/02/2016

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.527/2015, registered at Police Station Balod, Distt. Balod, for the offence punishable under Sections 363, 366, 376 of the IPC; 5 (I), 6 of the Protection of Children from Sexual Offences Act, 2012 and 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that on 15-10-2015, the applicant kidnapped the prosecutrix and committed sexual intercourse with her and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, report was lodged after eight days on 23-10-2015. The prosecutrix is major and consenting party. As per Radiologist's

report, her age is said to be 19 years. The applicant is in jail since 2-11-2015 and charge-sheet has been filed.

4. On the other hand, learned State counsel opposes the application.
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, extent of delay in lodging the FIR, age of the prosecutrix, pretrial detention of the applicant and charge-sheet has been filed, 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