

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 920 of 2016**

Babunath, S/o Keshavnath, aged about 65 years, R/o village Lalpur, Police – Station Narval, District Ujjain (M.P.)

---- Applicant

Versus

State Of Chhattisgarh: Through Officer-in-Charge, Police Station; Baikunthpur, Civil and Revenue District Korea (C.G.)

-----Non-applicant

For Applicant: Mr. Mahendra Dubey, Advocate.
For Non-applicant/State: Mr. Avinash Singh, PL

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****14/03/2016**

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. 304/2013 registered at Police Station Baikunthpur, Civil and Revenue District Korea for the offences punishable under Sections 363, 366 & 368 of Indian Penal Code and Section 17 of the Protection of Children from Sexual Offences Act.

(2) Case of the prosecution, in brief, is that applicant kidnapped two minor complainants on 9.3.2015 and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that there is delay of 23 months in lodging the FIR; the applicant has been falsely implicated in the offence in question and he has not committed

any offence; the applicant, being the old man aged about 65 years, is in jail since 07.01.2016 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; particularly considering the age of the applicant i.e. 65 years; his detention period; extent of delay in lodging the FIR and role of the present applicant in the offence in question; 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/-