

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1390 of 2016**

Mamu @ Mo. Najir S/o Maniruddin aged about 30 years
 R/o Purani Basti Bora Line Supela Tehsil and District Durg
 Civil and Revenue District Durg C.G.

---Applicant**Versus**

State of Chhattisgarh through Station House Officer
 Supela District Durg C.G.

---Non-applicant

For Applicant	: Mr. Sanjay Kumar Agrawal, Advocate
For Non-applicant	: Mr. Suvigya Awasthy, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****15/03/2016**

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. 1054/2015, registered at Police Station Supela District Durg (C.G.), for the offence punishable under Sections 363, 366, 376, 506 of IPC and

Section 3, 4 of Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that, on 05/11/2015 applicant abducted the minor prosecutrix 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 allegation of rape against Habib Ahmad and present applicant alleged to have assisted in offence in question. 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; charge sheet has already been filed; pretrial detention of the applicant and the fact that allegation of rape against Habib Ahmad, this Court is 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