

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1309 OF 2016**

Vishwajeet @ Kamal Badai S/o Shri Sagar Badai aged about 19 years R/o village Bayasi Colony Dharamjaygarh Thana and Tahsil Dharamjaygarh Civil and Revenue District Raigarh (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer Police Station Dharamjaygarh District Raigarh (C.G.)

---Non-applicant

For Applicant	:	Mr. Sunil Sahu, Advocate
For Non-applicant	:	Mr. Suvigya Awasthi, 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. 34/2016, registered at Police Station Dharamjaygarh, District Raigarh (C.G.), for the offence punishable under Sections 363, 366 of the I.P.C. & Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that, on 27/01/2016 applicant kidnapped the minor prosecutrix and on the pretext of marriage, committed sexual intercourse 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 in the statement of prosecutrix recorded under Section 161 of the Cr.P.C., she is not supported the case of the prosecution. He would lastly submit that charge sheet has been filed and applicant is in jail since 29/01/2016, 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; medical evidence; role of the applicant; charge sheet has already been filed and pretrial detention of the applicant, 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