

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 2113 OF 2016**

Nutan Sahu son of Faguram Sahu aged about 24 years (wrongly mentioned as 34 years in the rejection order) resident of Sakri (Pa) Police Station Palari District Balodabazar Bhatapara (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer Police Station Palari District Balodabazar Bhatapara (C.G.)

---Non-applicant

For Applicant	:	Mr. V.R. Tiwari, Advocate
For Non-applicant	:	Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****26/04/2016**

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. 06/2016, registered at Police Station Palari, District Balodabazar Bhatapara (C.G.), for the offence punishable under Sections 363, 366 of the I.P.C. & Section 18 of Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that, on 05/01/2016, applicant kidnapped the minor complainant 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 there is delay in lodging the FIR. He would further submit that no offence under Section 18 of the POCSO Act has been made out. He would lastly submit that charge sheet has been filed and applicant is in jail since 08/01/2016 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; extent of delay in lodging FIR; role of the applicant; charge sheet has already been filed and applicant is in jail since 08/01/2016, 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