

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 1952 OF 2016**

Mukesh Kumar @ Pintu S/o Tiju Ram aged about 19 years
 Caste Panika R/o village Juna Police Chowki Karanji Police
 Station Vishrampur Revenue and Civil District Surajpur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Police Chowki Karanji Police
 Station Vishrampur, District Surajpur (C.G.)

---Non-applicant

For Applicant	:	Mr. D. Kushwaha, Advocate
For Non-applicant	:	Mr. Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/04/2016**

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. 33/2016, registered at Police Chowki Karanji, Police Station Vishrampur, District Surajpur (C.G.), for the offence punishable under Sections 363, 366 Ka, 376 of I.P.C. & Section 4 of Protection of Children from Sexual Offences

Act.

2. Case of the prosecution, in brief, is that, co-accused Kuldeep said to have committed sexual intercourse with the minor prosecutrix and present applicant is assisted in the said commission of 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 the co-accused Kuldeep and present applicant only assisting the co-accused. He would lastly submit that applicant is in jail since 08/02/2016 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; role of the applicant; there is no allegation of rape against the present applicant 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