

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC NO. 648 OF 2016**

Roshan Nishad S/o Rajkumar Nishad aged 19 years R/o opposite Mata Kunti School Laxmi Nagar P.S. Mova Civil and Revenue District Raipur C.G.

---Applicant**Versus**

State of Chhattisgarh through P.S. Pandri Civil and Revenue District Raipur C.G.

---Non-applicant

For Applicant	:	Mr. Devershi Thakur, Advocate
For Non-applicant	:	Mr. Suvigya Awasthy, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****18/02/2016**

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. 243/2015, registered at Police Station Pandri District Raipur (C.G.), for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 and 6 of the POCSO Act, 2012.

2. Case of the prosecution, in brief, is that on 06/10/2015, applicant kidnapped 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 in 164 Cr.P.C. statement, prosecutrix has not supported the case of the prosecution. He would lastly submit that charge sheet has been filed and applicant is in jail since 17/10/2015, therefore, he

may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that on the date of offence, prosecutrix was minor.

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; age of the prosecutrix; nature of allegation; evidence available; role of the present applicant; charge sheet has already been filed and applicant is in jail since 17/10/2015, 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