

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 186 of 2016**

- Krishna Kumar Kanwar S/o Yugal Singh Kanwar, aged about 26 years, R/o Village – Tilaikundi, Police Station – Pali, Civil and Revenue District – Korba (CG)

---- Applicant**Versus**

- State Of Chhattisgarh, Through - Station House Officer, Police Station - Pali, District Korba (C.G.)

----Non-applicant

For Applicant:	Mr. Dharmesh Shrivastava, Advocate.
For Respondent/State:	Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate.

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

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 141/2015 registered at Police Station Pali, District Korba (CG) for the offences punishable under Sections 376, 366, 506-B, 120-B & 323 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that on 24.10.2015 one co-accused Jaibeer kidnapped the minor prosecutrix and committed sexual intercourse with her against her will, against which, FIR was lodged on 27.10.2015 and the present applicant and one other co-accused Vishnu Prasad extorted Rs. 2,000/- from one Jyotish and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that allegation of rape is against co-accused Jaibeer and there is allegation of demanding Rs. 2,000/- from Jyotish against the applicant and another co-accused – Vishnu Prasad but there is no FIR against the applicant in this regard. He further submits that the applicant is in jail since 29.10.2015; charge sheet has already been filed and no useful purpose would be served in keeping him in jail and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; further considering the fact that main allegation of rape is against co-accused Jaybeer; applicant is in detention since 29.10.2015; charge sheet has already been filed and the fact that bail was granted to co-accused Vishnu Prasad vide order dated 15.2.2016 in M.Cr.C.No.7711 of 2015; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant–**Krishna Kumar Kanwar** is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge