

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 515 OF 2016**

Agastu Ram, S/o Dasru Ram, aged about 28 years, Caste Nagesia, R/o Vill. Gurmhakona, Thana & Tahsil Bagicha, Civil & Revenue Distt. Jashpur, Distt. Jashpur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through: P.S. Bagicha, Distt. Jashpur (C.G.)

---Non-applicant

For Applicant	:	Ms. Sharmila Singhai, Advocate
For Non-applicant	:	Mr. Vivek Singhal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****10/02/2016**

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. 87/2015, registered at Police Station Bagicha, Distt. Jashpur, for the offence punishable under Sections 363, 366, 376/34 of Indian Penal Code

and Sections 3 & 4 of Protection of Children from Sexual Offence Act,2012.

2. Case of the prosecution, in brief, is that, on 29/04/2015 present applicant and two other co-accused persons abducted 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 crime in question. He would further submit that there is no allegation of rape against the present applicant and allegation of rape against Mohd. Ishtar. He would lastly submit that charge sheet has been filed and applicant is in jail since 01/09/2015, 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 present applicant, allegation of rape against Mohd. Ishtar; 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