

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.640 of 2016

Umesh Vishwakarma, S/o Shri Hariram Vishwakarma, aged about 19 years, R/o Village Joradol, Chhotakipara, Thana Patthalgaon, Civil & Revenue Distt. Jashpur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Patthalgaon, Distt. Jashpur (C.G.)

---- Non-applicant

For Applicant:	Mr. Sunil Sahu, Advocate.
For Non-applicant:	Mr. Ajit Singh, Panel Lawyer.

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, 1973 for releasing him on regular bail during trial in connection with Crime No.180/2015, registered at Police Station Patthalgaon, Distt. Jashpur, for the offence punishable under Sections 376 of the IPC and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant committed sexual intercourse with the prosecutrix on the pretext of marriage from December, 2014 to December, 2015 and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case, FIR was lodged on 1-8-2015, the applicant is in custody since 4-8-2015 and charge-sheet has been filed.
4. On the other hand, learned State counsel opposes the application

and submits that the prosecutrix was minor on the date of offence.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, age of the prosecutrix, extent of delay in lodging the FIR, material available against the applicant, pretrial detention of the applicant, charge-sheet has been filed and no custodial interrogation of the applicant is required, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge