

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1025 of 2016

Akbar Khan, S/o Rahmat Khan, aged about 22 years, R/o Abhanpur, Behind Government Hospital, Police Station Abhanpur, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Abhanpur, District Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. Kamlesh Kumar Pandey, Advocate.
For Non-applicant:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/03/2016

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.326/2015, registered at Police Station Abhanpur, Distt. Raipur, for the offence punishable under Sections 363, 366, 376 of the IPC; Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 30-10-2015, the applicant kidnapped minor prosecutrix on the pretext of marriage and committed sexual intercourse with her 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, there is delay of 24 days in lodging the FIR and the prosecutrix is major on the date of offence. In her statement recorded under

Section 164 of the CrPC, the prosecutrix has not supported the case of the prosecution. Charge-sheet has been filed and the applicant is in jail since 26-11-2015.

4. On the other hand, learned State counsel opposes the application.
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, extent of delay in lodging the FIR, age of the prosecutrix, considering the statement of the prosecutrix recorded under Section 164 of the CrPC, pretrial detention of the applicant and medical evidence available, 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