

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1455 of 2016

Sonu Minj, S/o Ramfal Minj, aged about 24 years, R/o Village Sundarpur,
Police Station Ambikapur, District (Revenue & Civil) Surguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Basantpur, District (Revenue
& Civil) Balrampur-Ramanujganj (C.G.)

---- Non-applicant

For Applicant: Mr. S.D. Singh, Advocate.

For Non-applicant: Mr. Suvigya Awasthi, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

15/03/2016

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.89/2015, registered at Police Station Basantpur, Distt. Balrampur-Ramanujganj, for the offence punishable under Sections 366 and 376 of the IPC.
2. Case of the prosecution, in brief, is that on 19-8-2015, the applicant kidnapped the minor prosecutrix and committed sexual intercourse upon her and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant is innocent, he has not committed any offence and he has been falsely implicated in the case. The applicant had already married the prosecutrix, she is major and even otherwise, she is consenting party and there is no medical evidence. The applicant is in jail since 1-10-2015 and charge-sheet has been filed.

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, role of the applicant, statement of the prosecutrix recorded under Section 164 of the CrPC, pretrial detention of the applicant and charge-sheet has already been filed, 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