

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1409 of 2016

Vikram @ Arjun Malik, S/o Mithailal Malik, aged about 23 years, R/o Ward No.9, Prem Lodge, Manendragarh, District Korea, Civil and Revenue District Korea (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police of Police Station Manendragarh, District Korea (C.G.)

---- Non-applicant

For Applicant:	Mr. Anil Gulati, Advocate.
For Non-applicant:	Mr. Dheeraj Kumar Wankhede, Govt. Advocate.

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.293/2015, registered at Police Station Manendragarh, Distt. Korea, for the offence punishable under Sections 363, 366, 376 read with Section 34 of the IPC; Sections 4 and 8 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 28-11-2015, the applicant and another co-accused Tarun Sarthi committed sexual intercourse with the minor prosecutrix 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. There is allegation of rape against the co-accused person and there is no allegation of rape against the

present applicant, the only allegation against the present applicant is to have assisted the co-accused in committed the offence. The applicant is in jail since 19-1-2016 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, there is no allegation of rape against the present applicant, 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