

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4805 of 2016

Vinod Sahu @ Pappu, S/o Satpal Sahu, aged about 22 years, Occupation Agriculture, R/o Village Biniya, PS & Tahsil Lakhanpur, District Sarguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station AJK, Ambikapur, District Sarguja (C.G.)

---- Non-applicant

For Applicant:	Mr. Jitendra Shrivastava, Advocate.
For Non-applicant:	Mr. Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

21/09/2016

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.5/2015, registered at Police Station AJK, Ambikapur, Distt. Sarguja, for the offence punishable under Sections 376, 363, 366 (क), 342, 506B of the IPC; Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989; and Sections 3, 4, 5 (ठ) and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. This is the second bail application filed on behalf of the applicant for grant of regular bail. First bail application has been dismissed as withdrawn by this Court vide order dated 12-4-2016 passed in M.Cr.C.No.1726/2016 with liberty to file after material prosecution witnesses are examined.
3. Case of the prosecution, in brief, is that the applicant committed

sexual intercourse with the prosecutrix on 26-7-2015.

4. Learned counsel for the applicant submits that material prosecution witnesses have been examined and there is no likelihood of tampering the prosecution witnesses. There is delay of 25 days in lodging the FIR. The applicant is in jail since 3-9-2015, charge-sheet has been filed and trial has commenced.
5. On the other hand, learned State counsel opposes the application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, pretrial detention of the applicant, trial has commenced and important witnesses have already been examined, there is no chances of tampering the prosecution witnesses, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
8. 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