

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 5011 of 2017

Sunderlal Rajwade S/o Runsai @ Pradhan Rajwade, aged about 23 years,
R/o Dumariya, P.S.Surajpur, District Surajpur (C.G.).

--- Applicant

Versus

State Of Chhattisgarh Through S.H.O. Police Station Surajpur, District
Surajpur (C.G.).

---Non-applicant

For Applicant : Shri Jitendra Shrivastava, Advocate.

For Respondent/State : Ms.M.Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/11/2017

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.131/2017 registered at Police Station Chowki Basdai, P.S. Surajpur, District Surajpur (C.G.) for the offence punishable under Section 363, 366 & 376 of I.P.C. and Section 4 of the Protection of Children from Sexual Offence Act.
2. Present applicant is in jail since 16/05/2017.
3. As per the prosecution case, the present applicant is said to have forcefully taken the prosecutrix along with him and in spite of knowing that she is a minor, he committed sexual intercourse with her.
4. The counsel for the applicant submits that, the statement of the prosecutrix under Section 164 was recorded on 18/05/2017 wherein she has not supported the case of the prosecution and that the prosecutrix in the instant case is also aged about more than 17 years and 9 months and that she has almost a major lady and considering the statement of the prosecutrix, the present applicant may be released on bail.

5. The State counsel however opposing the bail application submits that, the prosecutrix in the instant case is a minor and therefore the present applicant does not deserves bail at this juncture.

6. Having considered the contentions put forth on either side and considering the age of the prosecutrix where she is just 3 months short from attaining the age of majority and also considering her statement recorded under Section 164, this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sumit

**Sd/-
(P. Sam Koshy)
Judge**