

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6448 of 2017

- Sanjay Kumar Lakara S/o Bramhan Ram, Aged About 24 Years R/o Village Bharatpur, P. S. Sitapur, District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sitapur, District Surguja Chhattisgarh

---- Respondent

For Applicant : Mrs. Hamida Siddiqui, Advocate
For Respondent : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/12/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 67/2016, registered at Police Station- Sitapur, District – Surguja(C.G.) for the offence punishable under Sections 363, 366 & 376 of Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. FIR has been lodged after four years from the alleged date when the commission of offence started. The prosecutrix is presently 25 years of age and from the material on record, it appears that prosecutrix had been a consenting party. Further, it is submitted that applicant is an army

personnel, no purpose would be served in keeping him in detention till the conclusion of trial, hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that on the alleged date of incident i.e. in the year 2012, the prosecutrix was minor being 16 years of age and therefore any consent given by her is immaterial. Hence, the applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. The fact of the case are these, that since the year 2012 when the prosecutrix was minor, the applicant on the pretext of marriage had exploited her sexually on many occasions and on one occasion he even abducted her for a period of one month and submitted her to sexual intercourse. Subsequently, the applicant had refused to marry her and therefore written complaint was made by the prosecutrix based on which case has been registered against the applicant. After completion of investigation, the charge-sheet has already been filed.
6. Considering the submissions made and the fact that applicant is an army personnel and he is in jail since 26.8.2017 whose availability before the trial Court shall not be compromised if he is enlarged on bail, this Court feels that present is a fit case where the applicant should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing 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, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha