

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.8276 of 2016

Rajesh Kumar, S/o Ram Keshwar, aged about 21 years, R/o Village Sendaru (Kudarukhar), Post Vijaynagar, Ramanujganj, Thana Ramunjanj, Revenue District Balrampur, Civil District Surguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, P.S. Ramanujganj, District Balrampur-Ramanujganj (C.G.)

---- Non-applicant

For Applicant:	Mr. Vineet Kumar Pandey, Advocate.
For Non-applicant:	Mr. Dheeraj Kumar Wankhede, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

30/01/2017

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.146/2014, registered at Police Station Ramanujganj, Distt. Balrampur-Ramanujganj, for the offence punishable under Sections 376 and 506 read with Section 34 of the IPC; Sections 3 (1) (x) and 3 (1) (xii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989; and Sections 3 and 4 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 First bail application has been dismissed as withdrawn by order dated 9-12-2014 passed by this Court in M.Cr.C. No.6552/2014 with liberty to file after material prosecution witnesses are examined.

3. Case of the prosecution, in brief, is that the applicant forcibly committed sexual intercourse with the minor prosecutrix.
4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated, as three witnesses including the prosecutrix have been examined and they have not supported the case of the prosecution. The applicant is in custody since 1-8-2014.
5. Whereas, learned State counsel opposes the application and submits that the prosecutrix has clearly supported the case of the prosecution.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the facts and circumstances of the case, without entering into merits and considering the fact that the applicant is in jail from 1-8-2014, 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.
9. The trial Court is directed to expedite the trial and conduct it within three months from the date of receipt of a copy of this order.

Sd/-
(Sanjay K. Agrawal)
Judge