

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7516 of 2017**

Kamaljeet Singh S/o Sukh Singh @ Bhuru Kanwar, Aged About 23 Years R/o Village Ghuthiya, Police Station Janjgir, District Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Janjgir, District Janjgir- Champa, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Vivek Singhal, Advocate.
For the Respondent/State	:	Shri Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.01.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.133 of 2017, registered at Police Station – Janjgir, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 11.04.2017 and has been falsely implicated in this case. It is also submitted that the age of the prosecutrix had been above 18 years on the date of incident and she had been a consenting party. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. After completion of investigation, the charge-sheet has

been filed. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the prosecutrix was clearly below 18 years on the date of incident and no question arises that she had been a consenting party. Hence, for these reasons, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The case is that the applicant enticed the prosecutrix by alluring that he marry her and by keeping the prosecutrix at different places he had sexual intercourse with her. According to school register, the age of the prosecutrix is about 14 years and as such, the case has been registered against the applicant.

6. Considering on the submissions and the contents of the case-diary, and taking into consideration the facts and circumstances of the case, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi