

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 209 of 2018**

Prakash Chandra, S/o Bhagwati Das Navrange, aged about 20 years, R/o village Karahi, P.S. Bemetara, District Bemetara (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, through – Police Station- Bemetara, District Bemetara (C.G.)

---- Non-applicant

For Applicant : Mr. J.K. Shastri, Advocate.
For Non-applicant/State: Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****16/03/2018**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 363/2017 registered at Police Station Bemetara, District Bemetara for the offence punishable under Sections 363, 366, 376, 368 read with Section 34 of the Indian Penal Code and Sections 4, 5 (th) with Section 12 of Protection of Children from Sexual Offences Act

(2) Case of the prosecution, in brief, is that applicant abducted the prosecutrix and committed sexual intercourse with her against her will and thereby committed the aforesaid offences.

(3) Learned counsel for the applicant would submit that the applicant has been falsely implicated in the offence in question as he has not committed any offence. He submits that there is delay of 12 days in

lodging the FIR and as per Aadhar card prosecutrix is a major girl at the time of incident. He further submits that applicant is in jail since 30.6.2017 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(5) Taking into consideration the nature and gravity of the offence and considering the delay in lodging the FIR and the facts that applicant is in detention since 30.06.2017; charge sheet has already been filed and the similarly situated co-accused namely Bhagwati has been released on regular bail by the coordinate bench of this Court in M.Cr.C. No. 4793 of 2017 decided on 02.11.2017, this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

