

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 366 of 2018**

Dhanilal, S/o Kasinath Lohar, aged about 25 years, R/o Kuberpur,
PS Darima, Distt. Surguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police
Station Ambikapur, Distt. Surguja (C.G.)

---- Non-applicant

For Applicant : Mr. Jitendra Shrivastava, 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. 725/2017 registered at Police Station Ambikapur, Distt. Surguja (C.G.) for the offence punishable under Sections 363, 366. 376(2)(ढ) of the Indian Penal Code and Section 5(ढ) & 6 of the POSCO Act.

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

(3) Learned counsel appearing 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 according to the date of

birth recorded in the Aadhar Card, she is major girl at the time of incident and there is delay of three days in logging the FIR. He further submits that the applicant is in detention since 8.12.2017 and the charge sheet has already been filed and, therefore, he may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the nature and the gravity of the offences and considering the age of the prosecutrix and the fact that the applicant is in jail since 8.12.2017 and the charge sheet has already been filed; 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/-

