

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2256 of 2018**

- Sanjay Kumar Rajwade S/o Agar Sai, aged about 32 years, Caste Rajwar, R/o Chikladih, P.S. Gandhi Nagar, District Surguja (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, PS Ambikapur, District Surguja (C.G.)

---- Respondent

For Applicant. : Shri Jitendra Shrivastava, Advocate.
 For Respondent. : Shri Majid Ali, Dy. G.A. for the State

Hon'ble Shri Justice Pritinker Diwaker**Order on Board****21/05/2018**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 15.01.2018 in connection with Crime No.18/2018 registered at Police Station : Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 363, 366-A, 354-A, 114 of IPC, Sections 7, 8 and 17 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').
2. As per the prosecution case, the applicant along with co-accused took the prosecutrix on his motorcycle to village Chikhladih, however, there is no allegation against him of committing rape upon the prosecutrix.

3. Learned counsel for the applicant submits that even if the entire prosecution case is taken as it is, offence under Section 354-A IPC is not made out. It has been further argued that there is no legally admissible evidence showing the prosecutrix to be below 18 years of age.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, in particular the nature of allegation made against the applicant and his detention period, this Court is of the opinion that it is a fit case to release the applicant on bail.
7. Accordingly, the application is allowed and the accused/applicant is directed to be released on bail on his furnishing a personal bond of Rs.1,00,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance before it as and when directed.

Sd/-

(Pritinker Diwaker)
Vacation Judge