

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2336 of 2018**

Bhimsen Bhuiya, S/o Nathuniya Bhuiya, aged about 30 years, R/o Bhasakhjuri, P.S.-
Barabani, Distt. Vardhman (West Bengal)

---- Applicant**Versus**

State of Chhattisgarh, Through, Station House Officer, Police Station – Lakhanpur,
Distt. Surguja (C.G.)

----Respondent

For Applicant	:	Mr. Awadh Tripahi, Advocate.
For Non-applicant	:	Mr. Gary Mukhopadhyaya, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/07/2018**

(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 Special Crime No. 117/2017 registered at Police Station Lakhanpur, Distt. Surguja (C.G.) for the offences punishable under Sections 363, 366, 376(2)(e) of the Indian Penal Code and Section 4, 5 (tha)/6 of the Protection of Children from Sexual Offences Act.

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

(3) Counsel for the applicant submits that the prosecutrix is a major girl and she is consenting party to act of the applicant, which is apparent from her statement recorded under Section 164 Cr.P.C. during trial. He further submits that applicant is in jail since 29.01.2018 and the charge sheet has already been filed; and, therefore, the applicant may be released on bail.

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

(5) Taking into consideration the facts & circumstances of the case, further considering the statement of the prosecutrix recorded under Section 164 of the Code of Criminal Procedure, in which, she has not supported the case of the prosecution; and the facts that applicant is in jail since 29.01.2018 and 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.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

