

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3306 of 2018**

Amrit Kumar Paikra S/o Mahal Ram Kanwar, aged about 26 years, R/o Village-Kotsari, Police Station-Pastha, P.S. Ramanujganj, District-Balrampur-Ramanujganj (CG)

---Applicant

Versus

State of Chhattisgarh Through Police Station-Basantpur, District Balrampur-Ramanujganj (CG)

---Non-Applicant

For Applicant	:	Mr.A.K.Yadav, Advocate
For Non-Applicant	:	Mr.Gary Mukhopadhyay, Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

25/06/2018

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.28/2018, registered at Police Station-Basantpur, District-Balrampur-Ramanujganj (CG), for the offence punishable under Sections 376 (2) (n), 417 & 313 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that the applicant committed regularly sexual intercourse with the prosecutrix from 30.1.2015 and thereby committed the offences.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been

implicated in crime in question. He would further submit that F.I.R. has lodged after a delay of three years, the applicant is in jail since 12.3.2018 and the prosecutrix was major on the date of incident. Charge-sheet has been filed.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant, delay in lodging the F.I.R. and pre-trial detention of the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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

8. It is directed that the 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/-

(Sanjay K. Agrawal)
JUDGE

B/-