

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3244 of 2018**

Devprakash S/o Panchram Sahu, aged about – 20 years, R/o Village – Kadar, Police Station – Bhathapara, District – Baloda Bazar (CG)

---Applicant

Versus

State of Chhattisgarh, Through – Station House Officer, Police Station – Pipriya, District – Kabirdham (CG)

---Non-Applicant

For Applicant	:	Mr.Dharmesh Shrivastava, Advocate
For Non-applicant	:	Mr.R.N.Pusty, Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

02/07/2018

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.46/2018, registered at Police Station-Pipriya, District-Kabirdham (CG), for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that the applicant kidnapped the prosecutrix on 3.12.2017 and committed sexual intercourse with her and thereby committed the offence.

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 the prosecutrix was major on the date of offence, F.I.R. was lodged on

16.2.2018 and there was delay of two months in lodging the F.I.R. In 164 CrPC statement the prosecutrix has not supported the case of the prosecution and medical report is also not supported the case of the prosecution. Charge-sheet has been filed and the applicant is in jail since 6.4.2018.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the prosecutrix was minor on the date of offence.

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, extent of delay in lodging the F.I.R., age of the prosecutrix, role of the present applicant and medical report, 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

