

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3462 of 2018**

Sandeep Panika, S/o. Ramkripal, Aged About 19 Years, Caste- Panika, R/o-
Village- Ujiyarpur, Police Station- Podi, District- Koriya, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Station House Officer, Police Station
Podi, District- Koriya, Chhattisgarh.

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate

For State/respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/07/2018**

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.117/2017, registered at Police Station – Podi, District – Koriya (C.G.), for the offence punishable under Section 363, 366, 376 (2) (ढ), 368, 315, 34, 313 of the Indian Penal Code and Section 5 (ढ), 5 (10-2) and 3-1 (ब-11) 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3 (2-5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail

since 22.08.2017. The trial against the applicant is still not concluded. The prosecutrix in this case is a major girl and she had been a consenting party throughout, hence, no case is made out against him. Therefore, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix was aged below 18 years on the date of incident, hence any consent given by her is immaterial, therefore, it is prayed that the applicant may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the case of the prosecution, this applicant allured the prosecutrix with false promise to marry her and then committed sexual intercourse on number of occasion because of which she became pregnant. Thereafter, the applicant by force, administered some medicine, which resulted in abortion of the pregnancy of the prosecutrix. After lodging of FIR, case has been registered against this applicant.
6. Considered on the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and only for the reason that almost one year is going to complete and the trial against the applicant is still not completed, hence for this reason, 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram