NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 4186 of 2018

Hamid Ulla @ Raja, S/o Habib Ulla, Aged about 23 years, R/o- Barduli, Outpost – Saket, P.S. - Pathariya, District Mungeli (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer of Police Station Pathariya, District Mungeli (C.G.)

---- Non-applicant

For Applicant : Mr. Ravindar Singh Chhabra, Advocate
For Non-applicant : Mr. D.R. Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

04/07/2018

(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 Crime No. 126/2018 registered at Police Station Pathariya District Mungeli for the offence punishable under Sections 363,366 & 376 of the Indian Penal Code and Section 4 & 6 of the POSCO Act.

(2) Case of the prosecution, in brief, is that applicant committed sexual intercourse with the prosecutrix against her will 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 evident from the statement of prosecutrix recorded under Section 164 of the Code of Criminal Procedure. He further submits that applicant is in jail 07.03.2018; and the charge sheet has already been filed against the

applicant and, therefore, he may be released on bail.

(4) On the other hand, learned counsel for the State opposed 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 and the fact that applicant is in jail since 07.03.2018 and the 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/-