

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4855 of 2018**

Mewalal Kenwat S/o Raghuveer Kewat Aged About 36 Years Village Kuberpur, P.S. Chandni, Biarpur, Tahsil Odgi, District Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer Police Station Chandni, District Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Shakti Raj Sinha, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****31.07.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed as withdrawn on 30.10.2017 in M.Cr.C. No. 4448 of 2017. The applicant has been arrested in connection with Crime No. 14 of 2017, registered at Police Station Chandni, District Surajpur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 20.3.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the

Court by the prosecution. The prosecutrix has been examined before the trial Court and according to the statement given by her, no case is made out against the applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the prosecutrix was just 16 years on the date of incident. Hence, for this reason, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The allegation against the applicant is that he abducted the minor prosecutrix and then confined her in his own house where he committed the offence of rape with her on number of occasions. After two days of the incident, the prosecutrix was recovered by her father from the house of the applicant and then, the FIR was lodged.

6. Considered the entire material present in the case-diary. It is informed that the applicant is in jail since more than one year and till date only four witnesses have been examined out of the 17 witnesses. The trial is getting delayed and this applicant is languishing in jail without any fault on his part. For the present, I am of the view that in this case the applicant deserves to be enlarged on 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 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge