

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4717 of 2018

- Sunil Kanwar S/o Umend Singh, Aged About 22 Years, R/o- Village Jatangpur, Police Staton and Tahsil Katghora, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Mahila Station House Officer, P.S. Katghora, Civil And Revenue District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

----Non-applicant

For Applicant – Shri Aman Kesharwani, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-08-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 11-03-2018 in connection with Crime No.73/2018 registered at P.S. - Katghora, Civil And Revenue District- Korba, Chhattisgarh for the offence under Section 376 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (wrongly mentioned as under Section 4 of the POCSO in the cause title of order).

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 11-03-2018. The prosecutrix had been a consenting party, hence, no case is made out against this applicant. The trial against the applicant is getting delayed, out of 19 witnesses so far only 3 witnesses have been examined by the trial Court. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the age of the prosecutrix was merely 16 years on the date of incident, hence, her consent is immaterial. Therefore, the application may be

rejected.

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

5. It is alleged that this applicant had abducted the minor prosecutrix of age 16 years and established physical relation with her on a number of occasions, because of which she became pregnant and her pregnancy was aborted, later on, the FIR was lodged.

6. After considering on the material present in the case diary, it appears that there is prima facie a case against the applicant, but for the reason that the trial is getting delayed, I am of this opinion that this applicant should be granted regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge