

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6228 of 2018**

Sumendra Verma S/o Shayamlal Verma Aged About 21 Years R/o- Village-
Kosmanda, P.S.- Pallari, District- Baloda-Bazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through- S.H.O.- Suhela, District- Baloda-Bazar-
Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Hemant Gupta, Advocate
For Respondent	:	Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/09/2018**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.54/2017, registered at Police Station- Suhela, District – Baloda – Bazar – Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4, 6 of Protection of Sexual Offences Act. The first bail application of the applicant was dismissed as withdrawn with liberty to revive after filing of the charge-sheet vide order dated 02.08.2018, passed in M.Cr.C. No.4780/2018. Presently, the charge-sheet has been filed before the concerned Court.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The prosecutrix had been consenting party and she had willingly accompanied the applicant to all the places. The applicant is resident of District – Balodabazar and he has also married with the proecutrix. Hence, it is prayed that the applicant

may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that the age of the prosecutrix was just 16 years when the incident took place, hence, the applicant is not entitled to be released on bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. It is alleged that this applicant abducted the minor prosecutrix and by keeping her at different place had physical relation with her on number of occasion, which amounts to commission of offence of rape. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After considering the statement made under Section 164 of Cr.P.C, 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 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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