

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8163 of 2018**

Brijesh Kumar Saroj, S/o Rajnarayan Saroj, aged 22 years, R/o Santoshi para
Camp-II, Bhilai, District Durg (C.G.) (In jail)

----Applicant**Versus**

State of Chhattisgarh- Through : Station House Officer, Chhawani, District
Durg (C.G.)

---- Non-applicant

For Applicant	: Shri Anurag Jha, Advocate.
For State	: Shri Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****31/10/2018**

Heard.

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. 540/2018 registered at Police Station – Chhawani, Police Station, District Durg for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Section 5 (tha) & 6 of the POSCO Act.
2. Case of the prosecution, in brief, is that applicant committed sexual intercourse with the prosecution four years prior to the date of First Information Report i.e. 17.07.2018 and thereby committed the aforesaid offences.
3. Counsel for the applicant submits that there is delay of four years in lodging the First Information Report as the incident has occurred prior to four years of lodging of the FIR i.e. 17.07.2018. He submits that applicant is in jail since 18.07.2018; the charge sheet has

already been filed and no custodial interrogation is required and, therefore, the applicant may be released on bail.

4. Per contra, counsel for the State would submit that the prosecutrix was minor on the date of offence and, therefore, the applicant is not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case dairy.

6. Taking into consideration the facts & circumstances of the case, further considering the extent of delay in lodging the FIR; and the facts that applicant is in jail since 18.07.2018 and the charge sheet has already been filed and no custodial interrogation is required; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed

7. 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 till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

