

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1592 of 2019**

- Komal Sahu S/o Dhansay Sahu Aged About 20 Years R/o Village Bhothadih Thana Suhela District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Thana Suhela District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

 For applicant : Shri Deepak Jain, Advocate
 For respondent/State : Shri VB Singh, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

18.3.2019

1. This is third bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 28.02.2018 in connection with Crime No. 20/2018 registered at Police Station Suhela, Distt. Baloda Bazar – Bhatapara (C.G.), for the offence punishable under Sections 363, 366(A) & 376 of the Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act, 2012. Earlier two bail applications were dismissed as withdrawn.

2. As per the case of the prosecution, the appellant enticed minor prosecutrix on 31.12.2017 at about 2.00 pm and thereafter committed rape on her.

3. Learned counsel for the applicant submits that there was love affair between the prosecutrix and the applicant, that is why the prosecutrix stayed with the applicant for a month. The

applicant is in jail for more than one year, therefore, he may be enlarged on bail.

4. On the contrary, learned State counsel opposes the application for grant of bail.

5. Looking to the facts and circumstances of the case, without commenting anything on merits of the case, I am inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(Ram Prasanna Sharma)
JUDGE