

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 10048 of 2018**

Sumantlal Kujur, S/o Ramshevak Kujur, aged about 24 years, R/o Village Chaura (Parspara), P.S. - Rajpur, District Balrampur- Ramanujganj (C.G.) (Parsparapara wrongly mentioned in impugned order) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through Police Station – Rajpur, District Balrampur – Ramanujganj (C.G.)

---- Non-applicant

For Applicant : Mr. A.K. Yadav, Advocate.
For Non-applicant : Mr. S.K. Agrawal, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****08/03/2019**

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. 42/2017 registered at Police Station Rajpur, District Balrampur- Ramanujganj for the offence punishable under Sections 363, 366, 376 & 34 of the Indian Penal Code and Section 5 (a)/6 of the Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that applicant abducted the minor prosecutrix and committed sexual intercourse with her against her will and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicant would submit that the applicant has falsely been implicated in the crime in question as he has not committed any offence. He

further submits that applicant is in detention since 25.05.2017; charge sheet has already been filed and no useful purpose would be served in detaining him further in jail and, therefore, the applicant may be released on regular bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) Taking into consideration the nature and gravity of the offence, facts & circumstances of the case and further considering the fact that applicant is in detention since 25.05.2017; charge sheet has already been filed and the trial is likely to take some time for its final disposal; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) 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.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

