

Rakesh Minj Vs State Of Chhattisgarh

Court: Chhattisgarh High Court

Date of Decision: July 2, 2018

Acts Referred: Indian Penal Code, 1860 â€” Section 323, 376, 452
Code Of Criminal Procedure, 1973 â€” Section 439
Protection Of Children From Sexual Offences Act, 2012 â€” Section 6

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: Rahul Mishra, Gary Mukhopadhyay

Final Decision: Allowed

Judgement

Sanjay K. Agrawal, J

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has

been arrested in connection with Crime No.45/2018, registered at Police Station- Pratappur, District Surajpur (C.G.) for the offence punishable under

Sections 452, 323, 376 of Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

2. Case of the prosecution, in brief, is that the present applicant is said to have committed sexual intercourse with the prosecutrix from 1.10.2013 to

31.12.2017 and thereby committed offence under the aforesaid Sections.

3. Learned counsel for the applicant would submit that applicant has falsely been implicated in crime in question and has not committed any offence

and the FIR was lodged on 09.04.2018 and as such there is inordinate delay in filing the FIR casting doubt on the prosecutrix. He would also submit

that the applicant is in jail since 21.04.2018, charge-sheet has been filed and no useful purpose would be served by detaining him in jail, therefore, the

applicant may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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

6. Taking into consideration the facts & circumstances of the case; further taking into consideration the nature & gravity of the offence; role of the

present applicant; and the fact that there is delay in lodging the FIR and that the applicant is in custody since 21.04.2018, I consider it a fit case, in

which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 trial Court, for his appearance as and when directed.