

**(2018) 06 CHH CK 0127**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 3392 Of 2018

Mukesh Shandilya

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

**Date of Decision:** June 25, 2018

**Acts Referred:**

- Indian Penal Code, 1860 - Section 376(2)(N), B417
- Code Of Criminal Procedure, 1973 - Section 439
- Protection Of Children From Sexual Offences Act, 2012 - Section 5(L), 6

**Hon'ble Judges:** Sanjay K. Agrawal, J

**Bench:** Single Bench

**Advocate:** Bhupendra Singh, Ashish Surana

**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.55/2017, registered at Police Station-Chalgali, District Balrampur (C.G.) for the offence punishable under

Sections 376 (2)(N), B417 of Indian Penal Code and Section 5(L) and 6 of POCSO Act, 2012.

2. Case of the prosecution, in brief, is that the present applicant has committed sexual intercourse with the prosecutrix on the pretext of marriage and thereby committed offence under the aforesaid Sections.

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

offence. He would also submit that the applicant is in jail since 23.08.2017 charge-sheet has already been filed, and the prosecutrix has been examined before the Court on 24.03.2018 and she has not supported the case 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; statement of the prosecutrix recorded in the Court and the fact that he is in custody since 23.08.2017, 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.