

(2018) 06 CHH CK 0128

Chhattisgarh High Court**Case No:** Miscellaneous Criminal Case (MCRC) No. 3351 Of 2018

Kamlesh Kumar Sahu

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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

- Indian Penal Code, 1860 - Section 363, 366, 376
- Code Of Criminal Procedure, 1973 - Section 439
- Protection Of Children From Sexual Offences Act, 2012 - Section 5(B), 6

Hon'ble Judges: Sanjay K. Agrawal, J**Bench:** Single Bench**Advocate:** Shikhar Bakhtiyar, Avinash Singh**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.189/2015, registered at Police Station-Khursipar, Bhilai, Civil and Revenue District Durg (C.G.) for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 5(B) 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that the present applicant has committed sexual intercourse with the minor 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 29.01.2018, charge-sheet has already been filed, and the prosecutrix has been examined in the Court 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 29.01.2018, 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.