

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.No.4382 of 2015**

Nanhi Dau @ Neelamber Patel S/o Sukrit Ram Patel, aged about 72 years, R/o Village Sahaspuri, Police Station Kotra Road, Raigarh, District Raigarh (CG)

---Applicant

**Versus**

State of Chhattisgarh Through – The Station House Officer, Police Station Kotra Road, Raigarh, District Raigarh (CG)

---Non-applicant

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For Applicant	:	Mr. Rakesh Pandey, Advocate
For Non-applicant	:	Mr. Neeraj Pradhan, Panel Lawyer

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**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order on Board**

**31/08/2015**

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.327/2014, registered at Police Station-Kotra Road, District Raigarh (C.G.), for the offence punishable under Sections 376 & 506B and Sections 4 & 12 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 10.11.2014 the present applicant has committed forcefully intercourse with the minor prosecutrix and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that there is delay of 33 days in lodging the F.I.R., as the incident took place on 10.11.2014 and F.I.R. was made on 12.12.2014. He would also submit that the applicant is 72 years old aged person and unable to have intercourse, which is apparent from the medical

report made by the doctor and there is no explanation of delay in lodging the F.I.R. He is in jail since 18.6.2015 and charge-sheet has already been filed, therefore, he may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the prosecutrix was minor on the date of incident i.e. 16 ½ years.

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

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; extent of delay in lodging the F.I.R., role of the present applicant; medical evidence available on record and pre-trial detention of the applicant, this Court is of the opinion that present is 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 applicant shall be released on bail on 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.

9. Certified copy as per rules.

**Sd/-**

**(Sanjay K. Agrawal)**  
**JUDGE**

B/-