

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5643 of 2015

Hiteshwar Dhruv S/o Parasram Dhruw Aged About 21 Years R/o
Bitkuli, Thana - City Kotwali, Distt. - Baloda Bazar Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Thana - City Kotwali, Distt. -
Baloda Bazar Chhattisgarh

---- Respondent

For Applicant	:-	Mr. Samir Singh, Advocate
For Respondent /State	:-	Mr. Neeraj Jain, Government Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

23/11/2015

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. 250/2015 registered at Police Station – City Kotwali, District- Baloda Bazar (C.G.) for the offence punishable under Sections 363,366,376 of IPC and section 4 of Protection of Children from Sexual Offence Act.
2. As per prosecution case, on 22.07.2015, the applicant has forcibly kidnapped to the prosecutrix and committed rape with her, therefore, report was lodged against the present applicant and he was arrested on 04.08.2015.
3. Counsel for the applicant submits that the complainant victim and other witnesses have been examined but they have not supported the case of the prosecution and therefore, the applicant may be enlarged on bail

4. Learned State counsel opposes the prayer for grant of bail.
5. Having gone through the statement of the witnesses, the complainant and the victim would show that they have not supported the case of the prosecution. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.
8. Certified copy as per rules.

(Goutam Bhaduri)
Judge