

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6106 of 2015

Shashikant Ekka S/o. Biru Ekka, aged about 19 years, R/o. - Soor
Pakrikhar, P.S. Sitapur, Tahsil and District- Sarguja (C.G.).

---- Applicant

Versus

The State Of Chhattisgarh Through Station House Officer, Police
Station- Sitapur, Tahsil and District- Sarguja (Chhattisgarh).

---- Respondent

For Applicant	:-	Shri Anand Shukla, Advocate
For Respondent/State	:-	Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

26/112015

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. 65/2015, registered at Police Station – Sitapur, District Sarguja (C.G.) for the offence punishable under Sections 363, 366 and 376(2) (ब) of IPC and section 4,5 ब /6 of the Protection of Children from Sexual Offences Act.
2. As per prosecution case on 31.03.2015, the victim was enticed by the applicant and she was taken away by the applicant thereafter, the applicant forcefully took away her and committed sexual intercourse with the prosecutrix. Subsequently, the matter was reported to Police Station Sitapur and the case was registered against the applicant.
3. Counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 07.04.2015. He

further submits that the victim was not enticed by the applicant and forcefully took away and was raped by the applicant it would be the evidence from the statement recorded under section 164 of Cr.P.C. it shows that the victim herself had went alongwith the applicant to the other village. He further submits that looking to the age of the applicant he may be enlarged on bail.

4. Per contra State counsel opposes the prayer for grant of bail.
5. Having regard to the fact the degree of offence and the nature of allegation leveled against the applicant, the statement recorded under section 164 of Cr.P.C by the prosecution and the fact that the charge sheet in this case has already been filed and the applicant is in jail since 07.04.2015. 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.

Sd/-
(Goutam Bhaduri)
Judge