

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6328 of 2015

Ashish Sahu, s/o Antram Sahu, aged about 23 years, resident of Sawariya colony, Ward No.3, Kharsiya, District Raigarh (C.G). ... **Applicant**

Versus

State of Chhattisgarh through P.S. Chhal, District Raigarh Chhattisgarh

... **Respondent**

For the applicant	:	Mr. Arvind Pratap Singh, Advocate
For the Respondent	:	Mr. S.R.J. Jiaswal, Panel Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24 .11.2015

1. This is an application filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No. 63/2015 registered at Police station Chhal, Distt. Raigarh (C.G) for the offences punishable under sections 363, 366 & 376 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 15.07.2015, complainant Pappu Agrawal lodged a report that his sister-in-law is missing and after searching, the girl was found in the Company of applicant. Thereafter, on investigation it was found that the applicant has committed forcible sexual intercourse with the prosecutrix, thereby the offence is committed.
3. Learned counsel for the applicant submits that the charge sheet in this case has been filed and as per the statement recorded u/s 164 Cr.P.C., it would reveal that the prosecutrix who was aged about 17 years and 9 months herself stated that she went along-with the applicant and no forcible sexual rape was committed and in view of the statement of prosecutrix, no substantial allegation can be

attributed to the applicant. He further submits that the applicant is in jail since 18.07.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. I have perused the statement u/s 164 Cr.P.C., wherein it has been specifically recorded that the applicant has not committed anything with her and the prosecutrix herself accompanied the applicant.
6. Considering the statement made under Section 164 Cr.P.C., for the purpose of bail and looking to the detention of the applicant as he is in jail since 18.07.2015, without any observation on merits of the case, I am inclined to enlarge the applicants on bail.
7. Accordingly the application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the said Court on each and every date to be give by the said Court.
8. Cc as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**