

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6330 of 2015

Hukumchand Patel, son of Narendra Patel, aged about 20 years, resident of village Khadi, Police Station Salhewara, District Rajnandgaon C.G.

.... **Petitioner**

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Salhewara, District Rajnandgaon, Chhattisgarh

... **Respondent**

For the applicant	:	Mr. Rakesh Pandey, Advocate
For the Respondent	:	Mr. S.R.J. Jaiswal, 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. 22 of 2015 registered at Police station Salhewara, Distt. Rajnandgaon, C.G., for the offences punishable under section 363, 366, 376 of IPC and Section 4 of Protection of the Children from Sexual offences Act, 2012.
2. As per the prosecution case, the grand father of prosecutrix lodged a report on 24.05.2015 that his grand daughter, who is aged about 17 years, is missing since 19.05.2015. He further stated that the applicant also went missing from the same date and raised suspicion on him. Subsequently, the prosecutrix was recovered at Jaipur from the possession of the applicant and thereafter she was brought back from Rajsthan on 06.06.2015 and thereafter, on investigation the case was registered and the applicant was arrested on 06.06.2015.
3. Learned counsel for the applicant submits that the date of birth of the prosecutrix was 02.03.1998 therefore she was aged about 17 years and 2 months at the time of incident and she voluntarily accompanied

the applicant and both the prosecutrix and applicant stayed at Jaipur. He further submits that the statement of prosecutrix was recorded on 06.06.2015 wherein nothing was stated about the commission of rape, however, in the subsequent report, the same was stated on the pressure of her family members. He further submits that the applicant is in jail since 06.06.2015 and looking to the detention, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. I have gone through the case diary and other documents. The charge sheet in this case has been filed.
6. Considering the statement of prosecutrix u/s 161 Cr.P.C., recorded on 06.06.2015 for the purpose of bail and the fact that the charge sheet has been filed in this case and looking to the detention period of the applicant, I am inclined to enlarge him 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