

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6563 of 2015

1. Abhishek Ekka, S/o. Mahaveer Ekka, aged about 20 years, R/o. Jhirmiti, P.S. Udaipur, Civil & Revenue, District – Ambikapur (Sarguja) (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : The Station House Officer, Police Station - Batouli, District – Ambikapur (Sarguja) (C.G.)

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/12/2015

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.87/2015, registered at Police Station – Batouli, District – Ambikapur (Sarguja) (C.G.) for the offence punishable under Section 363, 366 (1), 342, 343, 376, 341, 376 (2) (अ), 354-A, 367 & 368, 34 of the Indian Penal Code and Sections 3 (ka) & 4 of the POCSO Act, 2012.
2. Case of the prosecution, in brief, is that a report was lodged by the father of the friend of the victim that on 18.07.2015, the victim was missing alongwith other girl. Subsequently, the victim was recovered from the possession of the Amit and the present applicant. It is alleged that one Elina Tirkey, the other co-accused has taken away the victim and another girl and thereafter, Amit Kumar has committed rape.

3. Learned counsel for the applicant would submit that the victim alongwith other co-accused Elina went to the Ambikapur, which is 40 km away from their village and stayed there and no allegation of rape is against this applicant and it is alleged that the applicant kept the victim and other girl in captivity.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. I have gone through the statement of the victim and other girl, who accompanied with the victim, wherein it is stated that they stayed in the house wherein the applicant is already residing alongwith other applicant and the allegations of rape are made against one Amit Kumar. Considering the allegations against this 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 his 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/-
(Goutam Bhaduri)
Judge