

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6748 of 2015

1. Darbari Lal Uike, S/o. Lakhan Lal Uike, aged about 22 years, R/o. Padguda, Thana-Dongargaon, District – Rajnandgaon (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Thana - Dongargaon, District – Rajnandgaon (Chhattisgarh)

---- Respondent

For Applicant	:	Mr. Samir Singh, Advocate
For Respondent/State	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/12/2015

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.72/2014, registered at Police Station – Dongargaon, District – Rajnandgaon (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 8 (A) of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 06.03.2014, the father of the prosecutrix lodged report that her daughter is missing with the allegation that the applicant has kidnapped the prosecutrix and thereafter on investigation having been made, it was found that she was subjected to forceful sexual intercourse by the applicant.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the

prosecutrix and the applicant has performed marriage and she of her own went along--with the applicant. He would further submit that as per the statement recorded that of the mother, father of the prosecutrix and that of the prosecutrix, they have not supported the case of the prosecution. He would further submit that the applicant is in jail since 29.11.2014, therefore, the counsel prays that the applicant may be enlarged on bail.

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 perused the statements of the prosecutrix and other witnesses. Perusal of the statement would show that the witnesses have not supported the case of the prosecution. Taking into the statement of the prosecutrix and other witness, without any observation on merits, 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