

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6750 of 2015

1. Raju, S/o. Ramnath Sahu, aged about 30 years, R/o. Village Ghursena, Police Station – Nandghat, Civil and Revenue District – Bemetara (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Police Station - Nandghat, Civil and Revenue District – Bemetara (Chhattisgarh)

---- Respondent

For Applicant	:	Mr. P.P. Sahu, Advocate
For Respondent/State	:	Mr. Anant Bajpai, 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.400/2015, registered at Police Station – Nandghat, District – Bemetara (C.G.) for the offence punishable under Section 363, 366 of the Indian Penal Code and Section 18 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a report was made on 05.10.2015 by the mother of the prosecutrix that her daughter/victim is missing. Subsequently when the investigation was made, it was found that the applicant has enticed the prosecutrix and took her away in his motor cycle.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the girl/victim of her own went in the night at about 3 to 4 o'clock and the

applicant has saved her and only considering the fact that she was moving in the night, he took her and left in the motor stand as per the request of the girl and no offence has been committed. He would further submit that the applicant is in jail since 30.10.2015, 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 statement of the prosecutrix recorded under Section 164 of Cr.P.C., wherein no allegation has been attributed against this applicant and it is stated that of her own, the victim went out. Taking into the statement under Section 164 of Cr.P.C, 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