

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5640 of 2015

Omprakash Shrivastava S/o Shri Radheshyam Shrivastava Aged About 19 Years R/o Village Dudga, Police Station Katghora, Civil And Rev. Distt. Korba Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Katghora, District Korba Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Nitesh Shrivastava, Advocate.
For Respondent /State	:-	Mr. Anant Bajpai Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

23/11/2015

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. 147/2015 registered at Police Station – Katghora, District- Korba (C.G.) for the offence punishable under Sections 363,366(A),376 of IPC and section 4 of Protection of Children from Sexual Offence Act.
2. As per prosecution case, the mother of the minor victim, made a report that on 28.05.2015 the complainant had gone to Korba and left her daughter with her mother and relative. On 30.05.2015 when she come back then her mother and relative disclosed about the incident that Suman, the prosecutrix was absconding. Therefore, a report was made and it was stated that she was enticed by the applicant and was taken again into river and committed sexual intercourse with her.

3. Counsel for the applicant submits that the complainant and the relative who made the complaint has examined before the Court but they have not supported the case of the prosecution. The statement of the witnesses have been placed on record and therefore, the applicant may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Having gone through the statement of the complainant and the other relative which shows that they have not supported the case of the prosecution. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.
8. Certified copy as per rules.

(Goutam Bhaduri)
Judge