

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6331 of 2015

Kamta Prasad, son of Jag Prasad Vishwakarma, aged about 23 years,
labour worker, resident of village Kisda Chowki (Beladula) Police Station
Sarsiwa, Civil and Revenue District Baloda Bazar/Bhatapara (C.G)

Appellant

Versus

State of Chhattisgarh, through the Station House Officer Sarsiwa, Police
Chowki Beladula, Civil and Revenue District Baloda Bazar, Bhatapara

Respondent

For the applicant	:	Mr. Janak Ram Verma, Advocate
For the Respondent	:	Mr. Ramakant Mishra, Dy. A.G.

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. 162/2015 registered at Police station Sarsiwa (Police Chowki Beladula), Distt. Baloda Bazar-Bhatapara, C.G., for the offence punishable u/ss 376, 363 & 366 of IPC & Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was lodged that the prosecutrix was allured and enticed by the applicant and at the instance of the applicant she went away with him and thereafter, the applicant kept her at different places and committed forcible sexual intercourse, thereby the offence is committed.
3. Learned counsel for the applicant submits that that after the prosecutrix appeared in police station, her statement under Section 164 was recorded wherein she has not supported the case of prosecution and stated that she herself went along-with the applicant and the applicant has not committed any wrong thing with her. He

further submits that the affidavit is also sworn by the prosecutrix that the applicant has not committed any offence with the prosecutrix and looking to the period of detention of applicant, 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 the statement recorded u/s 164 Cr.P.C., which it would reveal that the prosecutrix has not supported the case of prosecution and has not made any allegation against the applicant.
6. considering the statement u/s 164 Cr.P.C., for the purpose of bail and looking to the detention period of the applicant as he is in jail since 28.07.2015, without any observation on merits of the case, I am inclined to release the applicant 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

/Rao/