

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6201 of 2015

1. Sanju @ Sanjay Gupta, S/o. Arvind Gupta, aged about 19 years, R/o. Kalibadi, Nehru Nagar, P.S. - Kotwali, District – Raipur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station – Azad Chowk, Raipur, District – Raipur (C.G.)

---- Respondent

For Applicant : Mr. C.R. Sahu, Advocate

For Respondent/State : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

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.70/2015, registered at Police Station – Azad Chowk, Raipur, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a complaint was lodged on 31.04.2015 by the mother of the prosecutrix that the prosecutrix was missing and subsequently found that the applicant has enticed the prosecutrix and took her on the pretext of marriage and committed sexual intercourse.
3. Learned counsel for the applicant would submit that the prosecutrix in this case has been examined and the complainant, the mother of the

prosecutrix has also been examined and they have not supported the case of the prosecution. He would further submit that the prosecutrix of her own, went to Dongargarh. He would further submit that the applicant is in jail since 05.05.2015, therefore, he 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 gone through the statements of the prosecutrix and the complainant, without any observation on merits, for the purpose of bail, 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