

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6877 of 2015

Dileep Pradhan S/o. Rusu Pradhan aged about 31 years, R/o. Village Charbhata, Thana Sakra, District Mahasamund (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through – Station House Officer, Police Station Sakra District Mahasamund (C.G.)

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 191/2014 registered at Police Station- Sakra District Mahasamund (C.G.) for the offence punishable under Sections 363,366,376 of IPC and section 4 of Protection of Children from Sexual Offence Act 2012.
2. As per the prosecution case, the applicant enticed the victim who was minor and on the pretext of marriage she went along with the applicant to Maharastra and there the applicant has committed sexual intercourse with the prosecutrix whereby she became pregnant. Thereafter, on the missing report made by the father of the prosecutrix she was recovered from the possession of the applicant and he was arrested on 18.10.2015.

3. Counsel for the applicant submits that the applicant is innocent and he was falsely implicated in this case. He further submits that the prosecutrix has not supported the case of the prosecution and he relied on the statement of the prosecutrix which is placed on record. He further submits that the applicant is in jail since 18.10.2015 and considering the period of detention he may be enlarged on bail.
4. Per contra State counsel opposes the prayer for grant of bail.
5. Having regard to the fact and perusal of the statement made by the prosecutrix as she has not supported the case of the prosecution and the fact applicant is in jail since 18.10.2015. 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.

Sd/-
(Goutam Bhaduri)
Judge