

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7091 of 2015

Devendra Nirala S/o. Mahesh Nirala, aged about 22 years, R/o. Chhote Khaira, Police Station- Sarangarah, Civil and Revenue District Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Sarangarah District Raigarh (Chhattisgarh).

---- Respondent

For Applicant	:-	Mr. Anil Gulati, Advocate
For Respondent/ State	:-	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/12/2015

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. 358/2015 registered at Police Station- Sarangarah, District – Raigarh (C.G.) for the offence punishable under Sections 363,366,376 of IPC and 4,6, of Protection of Children from Sexual Offence Act, 2012.
2. As per the prosecution case,in brief, is that the applicant enticed the victim as she was minor and took her away from the lawful guardinaship of her parents, therefore thereafter the applicant committed sexual intercourse with the prosecutrix against her will. Therefore, the offence was committed.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that the prosecutrix has been examined before the Court but she has not supported the case of the prosecution. He further submits

that she was seen alongwith the applicant which was informed by her brother, therefore, the report was made against the present applicant. He further submits that charge-sheet has been filed in this case therefore, he may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary. Perusal of the case diary and the statement of the prosecutrix as attached with the bail application in which she has not supported the case of the prosecution and the fact that the charge sheet in this case has already been filed. 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