

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5988 of 2015

- Babloo Lohar @ Vijay Lohar , S/o Surendra Lohar, aged about 20 Years, R/o Quality Foundra Aama Sewani, P.S. Vidhan Sabha Raipur, Distt. Raipur, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through P.S. Vidhan Sabha Raipur, Distt. Raipur, Civil & Rev. Distt. Raipur, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Ravi Maheshwari, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.11.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 30/2015 registered at P.S. Vidhan Sabha, Raipur, Civil & Revenue Distt. Raipur (C.G) for the offence punishable under Sections 363, 366 & 376 & 493 IPC read with Sections 4 of Protection of Children from Sexual Offences Act.
2. As per the prosecution version, the mother of victim lodged a report against the applicant alleging that the applicant enticed the minor daughter of the complainant and took her away. Thereafter, she was recovered from the possession of the applicant at Orissa and thereby the offence was committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and since there was a dispute between the mother of prosecutrix and the mother of

applicant, report was lodged which would be evident from the statement recorded u/s 164 Cr.P.C., wherein the prosecutrix herself stated that in order to save the applicant they ran away. He further submits that the applicant is in jail since 02.07.2015 and looking to his detention period, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. I have gone through the statement of prosecutrix u/s 164 Cr.P.C.
6. After going through the statement of prosecutrix wherein she has categorically stated that she voluntarily accompanied the applicant and considering the fact that the charge sheet has already been filed and the applicant is in jail since 02.07.2015, I am inclined to release him on bail. Accordingly, the application is allowed.
7. The applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court . He is directed to appear before the said Court as and when directed by the said Court.
8. C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**