

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6729 of 2015

Deepak @ Deepu @ Permanand S/o Vijay Shankar Sonkar, Aged About 23 Years, R/o Bhalumada, Police Station - Pasaan, District Anuppur, M.P.

---- Applicant

Versus

State Of Chhattisgarh Through - Police Station - Podi, District - Koriya, Chhattisgarh

---- Respondent

For Applicant : Mr. Pushkar Sinha, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 77/2015 registered at Police Station- Podi, District – Korea (C.G.) for the offence punishable under Sections 363,366,376 of IPC and 4,6 of Protection of Children from Sexual Offence Act.
2. As per the prosecution case in brief is that on 10.07.2015 the applicant eloped with the prosecutrix on the pretext of marriage though the prosecutrix was minor and she went along with applicant to different place and there the applicant has committed sexual intercourse with the prosecutrix. Subsequently, a report having been made against the applicant and he was arrested on 20.08.2015.

3. Counsel for the applicants submit that the applicant has never enticed the prosecutrix and she herself stated that she went along with the applicant of her own will. He further submits that the statement would show that she was not subjected to forcefully rape or she was not taken away by the applicant. He further submits that the applicant is in jail since 20.08.2015, therefore, he prays that the applicant 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 recorded under section 161 of Cr.P.C. wherein the prosecutrix has not supported the case of the prosecution and the fact applicant is in jail since 20.08.2015. 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