

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7153 of 2015

1. Shrawan Lahre, S/o. Rikhi Ram Lahre, aged about 25 years, Caste-Satnami, R/o. Village-Litipara, Police Station-Piperchhedhi, District – Gariyaband (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station - Gariyaband, District – Gariyaband (C.G.)

---- Respondent

For Applicant	: Mr. Mohammad Afroz Athar, Advocate
For Respondent/State	: Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2015

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.18/2014, registered at Police Station – Gariyaband, Revenue District- Gariyaband, Civil District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 4, 6 and 10 of POCSO Act.
2. Case of the prosecution, in brief, is that on 20.01.2014, the applicant enticed the victim/minor girl and took her away from the guardianship of her parents, thereafter committed sexual intercourse and thereby the offence was committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the witnesses in this case has been examined and the prosecutrix has also been examined, who has not supported the case of the prosecution and it is stated that the victim/girl has performed marriage

with the applicant, therefore, taking into the statement of the victim, 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. Taking into the statement of the victim who is placed as witness No.4. After reading the statement without any observation on merits, prima-facie it appears that she has not supported the case of the prosecution, therefore, 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