

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7093 of 2015

1. Ram Kesh Kori, S/o. Gokul Kori, Aged about 27 years, R/o. Sarkhara, Chowki Shiv Hara, District – Sagar (M.P.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station Incharge, Police Station-Bango, District – Korba (C.G.)

---- Respondent

For Applicant	: Mr. Arvind Shrivastava, Advocate
For Respondent/State	: Mr. S.R.J. Jaiswal, 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, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.27/2015, registered at Police Station – Bango, District – Korba (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 4 of Prevention of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that the applicant enticed the victim/prosecutrix who was minor and thereafter took her away from natural guardianship of her parents and consequently, forceful intercourse 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 prosecutrix/victim has been examined before the Court, wherein she

has not supported the case of the prosecution. The counsel read out the statement of the prosecutrix and would submit that the applicant is in jail since 11.06.2015 and therefore, 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. I have gone through the statement of the prosecutrix, wherein she has not supported the case of the prosecution. Taking into such statement without any observation on merits, at this stage, 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