

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5537 of 2015

1. Lalch Sai, S/o. Sunder Lal Kanwar, aged about 19 years, R/o. Village Manoharpur, P.S. Shankargarh, District – Balrampur- Ramanujganj (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Station House Officer, Police Station Shankargarh, District Balrampur - Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Advocate
For Respondent/State	: Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/10/2015

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.91/2015, registered at Police Station – Shankargarh, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 363, 366, 376, 343 of Indian Penal Code and Section 4 of the Prevention of Children From Sexual Offence Act, 2012.
2. Case of the prosecution, in brief, is that on 28.08.2015, the prosecutrix left the house stating that she is having some marketing and thereafter it was found that the applicant abducted the prosecutrix and kept in an unknown place and on the pretext of marriage committed sexual intercourse forcibly. The matter is being investigated and the applicant is arrested on 01.09.2015.

3. Learned counsel for the applicant would submit that before the Court below during the course of hearing the mother of the prosecutrix has filed an affidavit of the prosecutrix and stated that no offence has been committed by the accused, which is also supported by the prosecutrix herself. Therefore, he would submit that 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. Having regard to the fact that certified copy of the statements of the mother of the prosecutrix and the prosecutrix are placed on record stating that no offence has been committed by the applicant. Considering the fact, 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