

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1024 of 2016

Rahul Choure, S/o. Govind Choure, Aged about 22 years, resident of village Parsahi, Police Station- Dongargarh, District Rajnandgaon (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Khairagarh, District Rajnandgaon (C.G.)

---- Respondent

For Applicant	:-	Mr. Basant Dewangan, Advocate
For Respondent/ State	:-	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

13/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 253/2015 registered at Police Station- Khairagarh, District – Rajnandgaon (C.G.) for the offence punishable under Sections 363,366,376 of IPC and section 4 of Protection of Children from Sexual Offence Act, 2012.
2. As per the prosecution case, in brief, is that the applicant took away the prosecutrix from the lawful guardianship of their parents, who was minor and thereafter the applicant committed sexual intercourse with the prosecutrix, thereby the offence has been committed.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that the prosecutrix and her father have been examined in the case

and they have not supported the case of the prosecution therefore, no offence is made out against the applicant. He further submits that the applicant is in jail since 05.05.2015, therefore, the applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Perusal of the statement of the prosecutrix, prima-facie, after going through the statement of the prosecutrix and her mother, it appears that they have not supported the case of the prosecution. 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