

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2309 of 2016

- Sanjay Nag S/o Harishanker Nag Aged About 26 Years R/o Amaldih, Tahsil Saraipali, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Out Post Balouda, Police Station Saraipali, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Kishore Narayan, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.06.2016

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.97/2016, registered at Police Station Saraipali, District Mahasamund (C.G.) for the offence punishable under Section 363 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. As per case of the prosecution a report was made by father of the victim who is minor that the applicant on the pretext of marriage allured the victim from the lawful custody of her parents and committed sexual assault and thereby committed aforesaid offence.
3. Learned counsel for the applicant would submit that though the allegation was made that the victim was kidnapped by the applicant on the pretext of marriage, but on the same day victim was recovered which would go to show that applicant was falsely implicated in the case.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. On perusal of the statement of the prosecutrix under Section 161 of the Cr.P.C. it shows that the prosecutrix has not stated anything against the applicant and further taking into fact that the applicant is in jail since 24.03.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge