

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2280 of 2016

- Mahendra Chauhan S/O Shyamlal Chauhan Aged About 21 Years R/O Baradoli, Police Station Saraipali, Civil & Revenue District Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Takhatpur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashok Verma, Advocate

For Respondent/State : Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.06.2016

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. 368 of 2015, registered at Police Station Takhtpur, District Bilaspur (CG) for the offence punishable under Sections 363 & 376 of the IPC and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per case of the prosecution, applicant along with other co-accused persons abducted the prosecutrix from her lawful guardian-ship and thereafter she was kept captive in the house of the applicant and thereafter she was subjected to sexual assault and thereby he committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case. He would further submit that victim has been examined in this case under Section

164 of Cr.P.C., wherein she has stated that she was rescued by the applicant as the applicant was known to this victim and no allegation has been attributed to the applicant under Section 164 of Cr.P.C. He would further submit that the applicant has been in jail since 29-12-2015 and charge-sheet has been filed in this case, therefore, the present applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents. Perusal of the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., goes to show that no allegation has been attributed to the applicant.
6. Taking into consideration all the facts and circumstances of the case, nature of allegation levelled against the applicant, further considering the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., and without any observation on the merit of the case, I am inclined to grant bail to the applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

