

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3510 of 2016

1. Sanjay Yadav, age about 22 years, S/o. Late Shri Jawahar Lal Yadav, R/o. Aazad Nagar, Birgaon, P.S. - Urla, Raipur, District (Revenue & Civil) – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Khamtarie, District- Raipur (C.G.)

---- Respondent

For Applicant	: Mr. Yogesh Pandey, Advocate
For Respondent/State	: Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/07/2016

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.124/2016, registered at Police Station – Khamtarie, District – Raipur (C.G.) for the offence punishable under Section 363, 376 of Indian Penal Code and Section 4, 5 (ठ) of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 19.03.2016, it is alleged that applicant took away the prosecutrix, who is the minor girl from the lawful guardianship of her parents and thereafter committed sexual intercourse and she was found on 20.03.2016. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that reading of the FIR would show that from 19.03.2016 till her recovery on 20.03.2016, the applicant was not at all in the picture and after recovery of the girl was made from railway station not from the possession of the applicant, statement was made that prior to date, the applicant has committed sexual intercourse. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 24.03.2016, 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.
6. Perused the case diary and the statement. Perusal of the statement of the girl would show that on 19.03.2016 she went to the house of her friend and on 20.03.2016, she roam around and on 20.03.2016, she was recovered at the railway station, wherein the presence of the present applicant has not been shown. The statement further shows that prior to 19.03.2016, the applicant has committed forceful intercourse. Considering such statement and the fact that on the date of incident, the applicant was not in the scene, 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

Balram