

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4159 of 2016

- Sahdev Khute S/o Jaynarayan Khute Aged About 25 Years R/o Village Koudiya, Thana - Dabhra, Civil And Rev. Distt. Janjgir Champa Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Dabhra, Civil & Rev. Distt. Janjgir Champa Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Sunil Sahu, Advocate
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 260/2015 registered at P.S. Dabhra, Distt. Janjgir Champa (C.G) for the offence punishable under Sections 363, 366, 376 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, the applicant enticed away the minor girl of the complainant on the pretext of marriage and thereafter committed forcible sexual intercourse. The girl was found missing from 05.10.2015 and she was recovered on 13.01.2016 from the possession of the applicant, therefore, the offence is committed.
3. Learned counsel for the applicant submits that the victim girl and her father have been examined before the court below and they have not supported the case of prosecution and no case is made out against the applicant. He further submits

that the charge sheet in this case has been filed and the applicant is in jail since 03.01.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of the victim and her father which show that they have not supported the case of prosecution. Considering such statements, without making any observations on the merits of the case, I am inclined to allow the bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**