

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4352 of 2016

Hemant Kumar Rajput, S/o. Firtu Ram Rajput, Aged About 35 Years, R/o. Mahamaya Chowk, Ghutheli, P.S. Pathariya, District Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Gariyaband, District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.08.2016

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.53/2016 registered at Police Station- Gariyaband, Distt. Gariyaband (C.G.) for the offence punishable under Section 366, 376, 120-B, 34 of Indian Penal Code and Section 6, 16 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, one Ved Prakash allured the minor girl from the lawful guardianship of her father & mother on the pretext of marriage and took her away to Pune and also committed sexual intercourse with her and the allegation against the present applicant is that he abetted the said accused Ved Prakash to ask for money of Rs.5 Lakhs and 2 Acres of land in absence thereof advised the other accused not to marry the victim girl and also gave assistance to Ved Prakash to take away the girl.

3. Learned counsel for the applicant would submit that the main allegations have been attributed to Ved Prakash and the present applicant has not committed any offence and submits that according to the charge sheet, the victim is not a minor. He further submits that taking into the allegation attributed against this applicant, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix who is shown to be of 20 years. After perusal of the statement under Section 161 & 164 of Cr.P.C. and considering the nature of allegation against this applicant, without any observation on merit, 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