

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4754 of 2016

1. Jogendar Banjare, aged 20 year, S/o. Kumar Banjare, R/o. Village-Darri, P.S. & Tahsil – Dabhara, District – Janjgir-Champa (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : District Magistrate, Janjgir-Champa, District – Janjgir-Champa (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Ishwar Jaiswal, Advocate
For Respondent/State	: Mr. Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/08/2016

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.18/2016, registered at Police Station – Dabhara, District – Janjgir-Champa (C.G.) for the offence punishable under Section 363, 366, 354 of the Indian Penal Code and Section 8 of Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that on 13.01.2016 the applicant enticed away the minor girl/prosecutrix and on the pretext of marriage, forceful intercourse was committed. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the prosecutrix in this case has been examined before the Court below and she has not

supported the case of the prosecution, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that the prosecutrix has not supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the prosecutrix. Perusal of the statement would show that the prosecutrix has not supported the case of the prosecution. Taking into such statement, 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