

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Miscellaneous Criminal Case No.2764 of 2016

Vikram Verma, son of Gajanand Verma, aged about 21 years, Caste Lodhi,
R/o Village Peti, Outpost Jalbandha, Tahsil Khairagarh, District
Rajnandgaon, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through the Outpost Jalbandha, P.S. Gandai, District
Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Abhishek Pandey, Advocate
For State/Respondent	:	Shri Shashank Thakur, Government Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

9/6/2016

1. This is an application filed under Section 439 Cr.P.C. for grant of regular bail to the Applicant, who has been arrested in connection with Crime No.258 of 2015 registered at Outpost Jalbandha, Police Station Gandai, District Rajnandgaon (Chhattisgarh) for the offence punishable under Sections 363, 366 and 376 IPC and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012. The Applicant is in jail since 20.1.2016.

2. Case of the prosecution, in brief, is that the present Applicant is said to have abducted the prosecutrix on 13.12.2015 on which date the age of the prosecutrix was 16 years and 8 months. It is also alleged that the present Applicant is said to have sexually ravished the prosecutrix for a considerable period of time and it was only on 19.1.2016 the girl was recovered when the present Applicant and the prosecutrix returned home after about a month and half. It is thereafter that the father of the prosecutrix took the girl to the police station and lodged the report.

3. Learned Counsel for the Applicant submits that it is a case where the parents of the prosecutrix as well as the prosecutrix have been examined before the Court below and they have not supported the case of the prosecution and therefore, the possibility of conviction of the Applicant is very remote. Learned Counsel further submits that the Applicant has remained in custody for about 6 months. Therefore, the Applicant may be released on bail.

4. Learned Counsel for the State however opposes the bail application on the ground that the prosecutrix on the date of incident and even on the date when she was recovered was minor and therefore, the Applicant does not deserve to be released on bail.

5. I have heard Learned Counsel appearing for the parties.

6. Without commenting on merits, considering the totality of the facts and circumstances of the case, more particularly the fact that the prosecutrix and her parents have not supported the case of the prosecution before the Court below and also taking into consideration the period of detention of the Applicant, this Court is of the opinion that the present is a fit case in which the Applicant could be enlarged on regular bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- (Twenty Thousand) with two sureties in the like sum to the satisfaction of the trial Court and for his appearance before the said Court as and when directed.

9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge