

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3074 of 2016

Rajkishore Rawat, S/o. Hanumant Rawat, Aged About 21 Years,
Occupation Student, R/o. Village Turanga, Police Station Pusaur, District
Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Outpost Jutemill, Police Station Kotwali,
District Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Ashish Gupta, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11.07.2016

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.267/2016 registered at Police Station- Outpost Jutemill, Police Station Kotwali, District Raigarh (C.G.) for the offence punishable under Section 363, 366, 376/34 of Indian Penal Code and Section 4 & 6 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the parent of the prosecutrix Mangalwati has lodged a missing report that the girl/victim who is minor is missing. Subsequently, on investigation, it was found that the girl who was aged about 16 years was taken away by the applicant and the other co-accused Sanyashi from the lawful guardianship and the girl was kept by Sanyashi Sidar and he committed sexual intercourse with her. It is alleged that the present

applicant initially helped the other co-accused to take away the girl from the lawful guardianship of her parents.

3. Learned counsel for the applicant would submit that according to the statement only allegation of providing assistance is on this applicant whereas the victim/ girl was in love relation with the other co-accused Sanyashi and thereafter they fled away and no case of sexual assault is on this applicant, therefore, 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 girl/victim. In such statement it is alleged that the present applicant has assisted the other co-accused and in the motorcycle they went from certain place. Taking into such statement and considering the nature of offence and degree of allegation, 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