

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4330 of 2016

- Mukesh Kumar Kurre S/O Holsai Kurre Aged About 20 Years R/O Anandpur, Police Station Sonhat, District Korea Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sonhat, District Korea Chhattisgarh.

---- Respondent

For Applicant : Mr. D.N. Prajapati, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

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 on 27-3-2016 in connection with Crime No. 32 of 2016, registered at Police Station Sonhat, District Korea (CG) for the offence punishable under Sections 363, 366 and 376 of the IPC and Sections 4, 5 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 20-03-2016 a report was made by the mother of the victim that her daughter was missing from 16-3-2016 and on enquiry it was revealed that the applicant abducted her and took away her and thereafter he committed sexual intercourse with her and thereby thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the statements of the victim have been recorded under Sections 161 and 164 of the Cr.P.C., wherein no sexual allegations have been

attributed to the present applicant. He would further submit that charge-sheet has been filed in this case, he is in jail since 27-03-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the victim recorded under Sections 161 and 164 of the Cr.PC on 21-3-2016 and 25-3-2016 in which no sexual allegations have been attributed to the applicant whereas in another statement allegations of sexual overt-act has been attributed to the applicant.
7. Taking into consideration the facts and circumstances of the case and further considering the statements of the victim recorded under Sections 161 and 164 of the Cr.P.C., in which no sexual allegations have been attributed to the applicant, and without any observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

