

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5663 of 2016

1. Ganesh Prasad Panika, S/o. Mr. Ram Gopal, aged about 22 years, R/o. Village-Bartola, Amaru, Thana- Pendra, District – Bilaspur (C.G.).

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Pendra, District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Achyut Tiwari, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/09/2016

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.59/2016, registered at Police Station – Pendra, District – Bilaspur (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 4, 6 of Protection of Children from Sexual Offence Act.
2. Case of the prosecution, in brief, is that a report was made by the father of the prosecutrix on 18.02.2016 alleging that his daughter is missing. Subsequently, the girl was found in the possession of the applicant on 29.04.2016 and after enquiry it was revealed that the applicant enticed away the minor girl on the pretext of marriage and committed sexual intercourse. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the victim has been examined before the Court and she has not supported the case of the prosecution, therefore, no offence is made out. 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.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the statement of the victim which is on record, which shows that she has not supported the case of the prosecution. Taking into such statement, without any further observation on merits, 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