

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5814 of 2016

- Jagmohan Verma S/O Ashwani Verma Aged About 22 Years R/O Mathpara, Vijay Chowk, Birgaon, Raipur, Tah. & Distt. - Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - S. H. O. Police Station Urla, Distt. - Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. Ravindra Sharma, Advocate

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27-09-2016

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 24-03-2016 in connection with Crime No. 125 of 2016, registered at Police Station Urla, District Raipur (CG) for the offence punishable under Sections 366 and 376 (2) of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a report was made that on 19-3-2016 the applicant took away the minor girl from the lawful guardianship of her parents and thereafter he committed sexual intercourse with her. Subsequently, the minor girl was recovered on 21-6-2016 and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the minor girl has been examined before the court below and she has not supported the prosecution case and the applicant has been falsely

implicated in this case and in fact the minor girl went to her relative house and report was made against the applicant and thereafter he was arrested. He would further submit that the charge-sheet has been filed in the case, the applicant is in jail since 19-3-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the application for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Perused the statement of the prosecutrix which would show that she has not supported the prosecution case.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix, without any observation on the merit 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