

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5856 of 2016

- Rohan Sharma @ Revati Raman Sharma S/o Shri Devi Prasad Sharma Aged About 19 Years Occupation Student, R/o Hamalpara, Ward No. 2, Police Station Kharsia, Tahsil Kharsia, District Raigarh, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through S.H.O. Of The Police Station Kharsia, District Raigarh, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Abhishek Saraf, Advocate
For the Respondent	:	Mr. Neeraj Sharma, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 231 of 2016 registered at P.S. Kharsia, Distt. Raigarh (C.G) for the offence punishable under Sections 363, 366, 376 of IPC & Sections 4 & 8 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, a report was made by the mother of victim on 07.06.2016 that her daughter is missing. Subsequently during investigation it was revealed that the applicant has enticed away the minor girl and on the pretext of marriage committed sexual intercourse.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the medical report do not support the commission of any offence and further the statement u/s 164 Cr.P.C., also do not support the case of prosecution, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of the prosecutrix recorded u/ss 161 & 164 Cr.P.C., In 164 statement she has not levelled any allegations against the present applicant and stated that because she was being beaten by her maternal uncle she left the house and asked the applicant to accompany her.
6. Considering such statement of the prosecutrix and the totality of the facts situation of the case, without any further observation on merits of the case, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE