

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.No. 7727 of 2015

- Lalit Singh, s/o Dhaniram, aged about 25 years, r/o village Khairi, Police Station Patna, Civil and Revenue district Korea, district Korea (CG)

---- Applicant (In Jail)

Versus

- State of Chhattisgarh, through Station House Officer, Police of Police Station Patna, district Korea (CG)

---- Non-applicant

For Applicant : Shri Anil Gulati, Advocate
For Respondent/State : Shri Anil S Pandey, GA

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.01.2016

- 1) This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 22 of 2015, registered at PS Patna, distt- Korea (CG) for the offences punishable under Sections 363, 366, 368, 376(2) (i), 376 (2) (n) and 120 B of IPC and Section 5(l) and 6 of Protection of Children from Sexual Offences Act.
- 2) Case of the prosecution, in brief, a report was made on 10.02.2015 by father of the prosecutrix that his daughter, minor girl was missing. Subsequently, the girl was recovered on 12.02.2015. Thereafter, on investigation it revealed that the applicant alluded the prosecutrix on the pretext of marriage and committed forceful sexual intercourse.
- 3) Learned counsel for the applicant submits that the prosecutrix has been examined; prosecutrix has not supported the

prosecution case in the Court below; and relies upon her statement filed along with this petition. Under these circumstances, the applicant may be enlarged on bail.

- 4) Per contra, learned State Counsel opposes the prayer for grant of regular bail to the applicant.
- 5) Heard learned counsel for the parties and perused the record of the lower Court and statement of the prosecutrix herein the petition.
- 6) Considering the fact that prosecutrix has not supported the case of the prosecution, further without any observation on merits of the case at this stage, 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 is allowed and the applicant is directed to be released on bail on his executing 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.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
JUDGE