

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 356 of 2016

- Amardeep @ Deepnath S/o Basant Rajak Aged About 18 Years R/o Lurghuta, P.S. Ramanujganj, Distt. Balrampur Ramanujganj, Chhattisgarh. --- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station Ramanujganj District Balrampur Ramanujganj, Chhattisgarh. --- **Respondent**

For the applicant	:Mr. Akath Kumar Yadav, Advocate.
For the Respondent	:Mr. Sangharsh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 38 of 2015 registered at Police Station Ramanujganj, Distt. Balrampur (C.G) for the offences punishable under sections 363, 366 & 376 and section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made that on 08.04.2015 the victim girl went missing and subsequently she was recovered from the possession of the applicant and on investigation being made, it was revealed that the applicant has enticed her and thereafter has committed forcible sexual intercourse on the pretext of marriage.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and the

prosecutrix, her mother and father have been examined and they have not supported the case of prosecution. He further submits that challan in this case has been filed and the applicant is in jail 13.04.2015, therefore, he prays for releasing him on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the statement of prosecutrix and the statements of mother and father of prosecutrix.
6. Considering the statements of prosecutrix, her mother and father which shows that they have not supported the case of prosecution and looking to the period of detention as the applicant is stated to be in jail since 13.04.2015, without any observation on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, this bail petition is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed by the said Court.

Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**