

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2619 of 2016

Bhupesh Sahu S/o Late Narrotam Sahu Aged About 20 Years R/o Paneka, Police Station Basantpur, Presently R/o Village Kurshitikul, Police Station Dongargaon, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Dongargaon, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Malay Shrivastava, Advocate
For Respondent/ State	:-	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

21/06/2016

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 in connection with Crime No. 38/2016 registered at Police Station- Dongargaon, District – Rajnandgaon (C.G.) for the offence punishable under Sections 363, 376 of IPC and section 4,8 of Protection of Children from Sexual Offence Act, 2012 and 3(1)(12) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocity) Act, 1988.
2. As per the prosecution case, in brief, is that on 01.02.2016, a report was made by the mother of the victim alleging that the applicant allured the victim girl who was minor and took her away from the lawful guardianship, thereafter the applicant committed sexual intercourse with the her. Subsequently, from the

possession of the applicant the girl was recovered on 08.02.2016, thereby the offence has been committed.

3. Counsel for the applicant submits that the applicant has been examined before the Court below and she has not supported the case of the prosecution. He further submits that the applicant is in jail since 08.02.2016, therefore, the applicant may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix as also the mother, it appears that they have not supported the case of the prosecution. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge