

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3452 of 2016

Deepak, S/o. Gannu Ram Dhurve, Aged About 22 Years, R/o. Boriya,
Police Station Bodla, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station
Bodla, District Kabirdham, Chhattisgarh

---- Respondent

For Applicant : Mr. Goutam Khetrapal, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11.07.2016

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.39/2016 registered at Police Station- Bodla, District Kabirdham (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 3, 4 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 07.03.2016 the applicant allured the prosecutrix who was minor and took away from the lawful guardianship of her mother & father and thereafter the applicant took the prosecutrix to Bhopal and stayed there and committed forceful sexual intercourse with her and subsequently from the possession of the applicant, the girl was recovered.
3. Learned counsel for the applicant would submit that the girl of her own had went alongwith the applicant and she had not supported

the case of the prosecution in the statement recorded under Section 164 and no allegation of rape has been attributed, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the girl/victim under Section 164 of Cr.P.C. wherein she has not stated about forceful sexual intercourse. Considering the statement that she herself had went alongwith with the applicant, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge