

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4250 of 2016

1. Nagesh Kumar Agrawal, S/o. Sewakram Agrawal, aged about 19 years, R/o. Brahamdehipara, Near Mata Mandir, Post Office- Raipur, Police Station- Khamtarai, Raipur, District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : S.H.O., Police Station - Khamtarai, District – Raipur (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/08/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.26/2016, registered at Police Station – Khamtarai, District – Raipur (C.G.) for the offence punishable under Section 363, 366 & 376 of the Indian Penal Code and 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a missing report is made on 15.01.2016 by the mother of the prosecutrix that from 14.01.2016, the girl is missing and is recovered on 16.01.2016 from the possession of the applicant and it was revealed that the applicant has enticed away the minor girl and has committed sexual intercourse.

3. Learned counsel for the applicant submits that applicant has been falsely implicated in this case and in-fact the victim has performed marriage with the applicant. It is further submitted that the victim has been examined before the Court below and she has not supported the case of the prosecution. It is further submitted that the applicant is in jail since 13.02.2016, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that the prosecutrix has not supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the prosecutrix, which shows that she has not supported the case of the prosecution. Considering the statement of the prosecutrix without any further observation on merits, 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 filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge