

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 288 of 2016

Amit Kumar Bhagat S/o Ram Prasad Bhagat Aged About 19 Years
R/o Jhirmitti, P.S. Udaipur, Distt. Ambikapur (Sarguja) Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Batouli, Distt. Ambikapur (Sarguja) Chhattisgarh.

---- Respondent

For applicant -Shri Jitendra Shrivastava, Advocate.
For Respondent/State – Shri Ashutosh Pandey, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/01/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.87/2015 registered in Police Station Batouli, Distt. Ambikapur (Sarguja) for offence punishable under section 363, 366 (1), 342, 343, 376, 341, 376 (2) (Jha), 354-A, 367 & 368, 34 of Indian Penal Code and Sections 3 (ka) & 4 of the POCSO Act, 2012 (wrongly mention in order sheet) (as mentioned in the order of this Hon'ble Court in M.Cr.C. No.6563/15).

2. As per the prosecution case a report was lodged by the father of the friend of the victim that on 18/07/2015, the victim was missing alongwith other girl. Subsequently, the victim was recovered from the possession of present applicant Amit and co-accused Abhishek Ekka. It is alleged that one Elina Tirkey, the other co-accused has taken away the victim and another girl and thereafter present applicant has committed rape.

3. Learned counsel for the applicant submits that prosecutrix in this case has been examined and she has not supported the case of

prosecution and she has even denied to have identified the applicant, therefore taking into such statement, the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the statement of the prosecutrix and her mother which are placed on record which shows that the prosecutrix and her mother have not supported the case of the prosecution. Taking into such fact, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE