

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1911 of 2016

Devesh Sahu, S/o. Gokul Prasad, aged about 25 years, R/o. Village Padigaon, P.S. Pussaur, District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Arang, District Raipur (C.G.)

---- Respondent

For Applicant	:-	Ms. Pratha Ghoshal, Advocate
For Respondent/ State	:-	Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

20/06/2016

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. 386/2015 registered at Police Station- Arang, District – Raipur (C.G.) for the offence punishable under Sections 363,366,376(2) (N) of IPC and section 6 of Protection of Children from Sexual Offence Act, 2012.
2. As per the prosecution case, in brief, is that in between 24.11.2015 to 01.12.2015, the applicant on the pretext of marriage took away the prosecutrix from the lawful guardianship of their parents, thereafter, the applicant committed forceful sexual intercourse with the prosecutrix. On 26.11.2015, a missing report of girl was made against the unknown person and on 03.12.2015, the FIR lodged against the present applicant thereby the offence has been made.
3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. She further submits

that the prosecutrix has been examined before the Court below along with the father and they have not supported the case of the prosecution. Counsel for the applicant further relied on the statement of the prosecutrix filed along with the bail petition. She further submits that the charge sheet has been filed and the applicant is in jail since 07.13.2015, therefore, the applicant may be enlarged on bail.

4. Learned State counsel do not dispute the fact that the prosecutrix has not supported the case of the prosecution.
5. Perused the case diary and the statement of the prosecutrix filed along with the bail petition wherein she has 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