

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7427 of 2015

Abhimanyu Bagh S/o Somnath Bagh Aged About 21 Years R/o
Behind Quarter No. 2, Road No. 36, Sector -10, Bhilai, P.S. Bhilai
Nagar, District Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police
Station Uttai, District Durg Chhattisgarh

---- Respondent

For applicant - Shri Anup Majumdar, Advocate.
For Respondent/State – Shri Vivek Singhal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

6/01/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 205/2014 registered in Police Station Uttai, District Durg (C.G.) for offence punishable under section 363, 366, 376 of IPC and Section 5 & 6 of POCSO Act.
2. As per the prosecution case a report was made that applicant allured the victim who was a minor and took her away from the lawful possession of her parents on the pretext of marriage and thereafter committed sexual intercourse with her.
3. Learned counsel for the applicant submits that victim in this case has been examined and relied on the statement of victim which is filed as Annexure A-2 wherein she has not supported the case of the prosecution. He further submits that applicant has been falsely implicated in this case and age of the prosecutrix that too is in doubt that she was minor, therefore considering the statement, 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 victim before the court. Prima facie it appears that she has not supported case of the prosecution, therefore without any observation on merit, 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