

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2327 of 2016

- Jaswant Gilhare @ Jassi S/o Late Raj Kumar Gilhare Aged About 19 Years R/o Ganaud, P.S. Rakhi, Mandir Hasoud, Distt. Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Urla, Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. B.D. Guru, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

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.93/2015, registered at Police Station Urla, District Raipur (C.G.) for the offence punishable under Section 363, 366, 493, 376(2)(b) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per case of the prosecution, on 17.04.2015 the applicant took the victim from the lawful custody of her parents on the pretext of marriage and thereafter committed sexual intercourse with her and thereby committed aforesaid offence.
3. Learned counsel for the applicant would submit that the victim has been examined before the Court below, she has not supported the case of the prosecution. He relied on the submission of the prosecutrix victim which is filed as Annexure A/2 in which she has not stated anything against the applicant.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the statement of the victim prosecutrix, who has not supported the case of the prosecution and further taking into fact that the applicant is in jail since 08.07.2015, 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