

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. NO. 2753 OF 2016

1. Ashish @ Sonu Kujur, S/o Ashok Kujur, aged about 23 years, R/o Ganjhadand, P.S. & Tahsil Ambikapur, Distt. Surguja (C.G.)
2. Narendra Singh @ Bablu, S/o Jagarnath, aged about 25 years, R/o Khairwar, P.S. & Tahsil Ambikapur, District Surguja (C.G.)

... Applicants

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Kotwali, Ambikapur, District Surguja (C.G.)

... Non-applicant

For Applicants	:	Mr. Jitendra Shrivastava, Advocate.
For Non-applicant/State	:	Mr. Vivek Sharma, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/06/2016

1. This is the first application filed under Section 439 of CrPC for grant of bail to the Applicants who are in jail since 24.4.2016 in connection with Crime No. 259/2016 registered at Police Station- Kotwali, Ambikapur, District Surguja, for the offence punishable under Sections 363, 366, 457, 354/34 of IPC and Sections 7 & 8 of the Protection of Children from Sexual Offences Act, 2012
2. The case as per the prosecution against the Applicants is that the Applicants is said to have taken the victim forcibly on a vehicle and have thereafter tried to outrage the modesty of the victim for which offence under Sections 363, 366, 457, 354/34 of IPC and Sections 7 & 8 of the Protection of Children from Sexual Offences Act, 2012 has been registered against them.
3. Learned Counsel for Applicants submits that during the course of investigation while recording the statement under Section 164 of Cr.P.C., the prosecutrix has entirely denied all the allegations levelled against the

two Applicants. He further submits that the statement of the mother of the prosecutrix has also been recorded wherein also she has not supported the case of the prosecution.

4. This fact is not disputed by the learned Counsel for the State on verification of the case diary.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case, this Court is of the opinion that the present is a fit case where the Applicants can be enlarged on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.20,000/- each with one surety each of the like sum to the satisfaction of the concerned Trial Court for their appearance as and when directed.

/sharad/

Sd/-
(P. Sam Koshy)
V. Judge