

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3230 of 2016

- Kuldeep S/o Nandlal Aged About 20 Years Caste - Panika, R/o Village - Dhartipara, Chowki-Karanji, Police Station - Vishrampur, District - Surajpur Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station - Vishrampur, District Surajpur Chhattisgarh

---- Respondent

For the applicant	:	Mr. D.K. Vishwakarma, Advocate
For the Respondent	:	Mr. Neeraj Kr. Sharma, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 33 of 2016 registered at P.S. Vishrampur, Distt. Surajpur (C.G) for the offence punishable under Section 363, 366, 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 05.02.2016 when the prosecutrix, a minor girl, was coming back to her home from her school, at that time, the applicant and other co-accused taken her to an isolated place and thereafter the applicant committed forcible sexual intercourse with the prosecutrix.
3. Learned counsel for the applicant would submit that the applicant and prosecutrix were in love affairs with each other which would be evident from the statement of prosecutrix. It is further stated that no forcible sexual intercourse has been committed by the applicant and only it may amounting to

outraging modesty and since the charge sheet has been filed and the applicant is in jail since 08.02.2016, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of girl u/s 164 Cr.P.C., wherein it is stated that the applicant tried to commit rape on her and the allegations of rape is not supported by the medical evidence.
6. Considering the totality of the facts and circumstances of the case and the degree of allegations levelled against the applicant and prima facie considering the statement of prosecutrix as also the fact that charge sheet in this case has been filed and the applicant is stated to be in jail since 08.02.2016, without any observation on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE