

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3677 of 2016

Pawan Kumar Jaiswal S/o Ramchandra Jaiswal, Aged About 25 Years, R/o Village Rameshpur, Police Station Raghunathnagar, District Balrampur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Gandhinagar, District Surguja, Chhattisgarh.

---- Respondent

For applicant - Shri R.S. Marhas, Advocate.
For Respondent/State – Shri Neeraj Shama, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/07/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.109/2016 registered in Police Station Gandhinagar, District Surguja (C.G.) for offence punishable under sections 363, 366, 376 of Indian Penal Code and Sections 5 & 6 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 29/04/2016 other co-accused Pramod @ Rohit enticed the girl and took her away on the pretext of marriage though she was minor and thereafter committed sexual intercourse and the present applicant had supported the other co-accused to commit such offence.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is submitted that no allegation of rape has been attributed against this applicant by the victim in the statement under Section 164 of Cr.P.C., therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the prosecutrix. Taking into degree of allegation and for the fact that no allegation have been attributed against the present applicant in the statement under Section 164 of Cr.P.C. Considering such statement, 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