

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3826 of 2016

Gautam Kurrey, S/o. Gokul Kurrey, Aged About 21 Years, R/o. Village Sandi Bangla, P.S. Palari, District- Baloda Bazar, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station - Palari, District - Baloda Bazar, Chhattisgarh.

---- Respondent

For Applicant : Mr. T.K.Jha, Advocate

For Respondent : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.07.2016

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.56/2016 registered at Police Station- Palari, District Baloda Bazar (C.G.) for the offence punishable under Section 363, 366 and 376 of Indian Penal Code and Section 4 of POCSO Act.
2. Case of the prosecution, in brief, is that a report was made on 01.03.2015 by the father of the victim that from 22.02.2015 the girl was missing and subsequently the girl was recovered from the possession of the applicant on 15.01.2016 and after investigation it was discovered that the applicant has allured the girl and taken away from the lawful guardianship of her father and mother and thereafter committed sexual intercourse with her.
3. Learned counsel for the applicant would submit that the girl was more than 16 years of age and she was able to understand her well

being and she of her own left the house and in the road the applicant met and thereafter she stayed along-with the applicant for about 11 months, therefore, the applicant has been falsely implicated and no case is made out against the applicant, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement under Section 164 of Cr.P.C. In the statement under Section 164 the allegation of rape has not been stated, therefore, without any further observation on merit, at this stage, considering the facts and circumstances of the case, 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