

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3967 of 2016

- Kishan Chouhan S/O Late Shyamlal Chouhan Aged About 24 Years R/O - Deendayal Colony, Vicky Kirana Shop Gali, P/S. - City Kotwali, Tahsil - Raigarh, Civil & Revenue District - Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - S. H. O. Of The Police Station - Kotwali, District - Raigarh Chhattisgarh

---- Respondent

For Applicant : Mr. Abhishek Saraf, Advocate

For Respondent/State : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.07.2016

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 on 17-03-2016 in connection with Crime No. 287 of 2016, registered at Police Station Kotwali, District Raigarh (CG) for the offence punishable under Sections 363, 366 of the IPC and Section 17 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 12-05-2016 a report was made by the mother of the prosecutrix that on 10-5-2016 the applicant abducted the minor girl aged about 17 years on the pretext of marriage and after two days of the incident the applicant left the girl at her house and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the statement of the victim has been recorded under Section 164 of the Cr.P.C, wherein she appears to be more than 17 years and

she has not stated against the applicant. He would further submit that the applicant has been falsely implicated in the case, charge-sheet has been filed in this case, he is in jail since 17-03-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of the prosecutrix recorded under Section 164 of the Cr.P.C, which would show that she appears to be more than 17 years.
7. Taking into consideration the facts of the case, nature of allegation leveled against the applicant, considering the statement of the prosecutrix and taking into fact that the charge-sheet has been filed and the applicant is in jail since 17-3-2016, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju