

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4091 of 2016

- Bhunewshar Ram Chouhan S/o Haldhar Ram Chouhan Aged About 26 Years Caste - Chik, R/o Vill + Post - Makribandha, Thana - Tapkara, Tahsil - Duldula, Distt. Jashpur, Chhattisgarh Civil & Revenue District Jashpur Distt. Jashpur Chhattisgarh
----- **Petitioner**

Versus

- State of Chhattisgarh Through : Station House Officer, P.S. Tapkara, Distt. - Jashpur Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Manoj Chouhan, Advocate
For the Respondent	:	Mr. Vinod Tekam, Penal Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.07.2016

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. 06 of 2016 registered at P.S. Tapkara, Distt. Jashpur (C.G) for the offence punishable under Sections 363, 366 & 376 of IPC & Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 30.01.2016 the father of the girl lodged a report that on 29.01.2016 his minor daughter went missing with a suspicion over the applicant that he has enticed away the girl on the pretext of marriage. Subsequently, the girl was recovered from the possession of the applicant, thereby the offence is committed.
3. Learned counsel for the applicant would submit that the victim girl has been examined before the Court and she has not supported the case of prosecution, therefore, the applicant has been falsely implicated in this case. He further

submits that the charge sheet in this case has been filed and the applicant is in jail since 06.02.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the certified copy of the statement of the girl wherein it is stated that the applicant has neither allured nor committed rape on her.
6. After going through the statement of prosecutrix, it appears that she has not supported the entire case of prosecution, therefore, without any further 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