

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4390 of 2016

- Ramkirtan Dhiwar S/o Sammelal Dhiwar Aged About 25 Years R/o Village Tundra, P.S. Gidhouri, District Baloda Bazar, Chhattisgarh. ----
Petitioner

Versus

- State of Chhattisgarh Through Police Station Urla, District Raipur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Suresh Tandon, Advocate
For the Respondent	:	Mr. Vinod TekamPanel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.08.2016

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. 132 of 2015 registered at P.S. Urla, Distt. Bemetara (C.G) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4, 6 & 8 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, the victim girl was found missing on 21.06.2015 for which a report was made by the mother of prosecutrix on 24.06.2015. Subsequently the girl was recovered from the possession of applicant on 13.07.2015 and thereafter on investigation it was found that the applicant enticed away the minor girl from the lawful custody of her mother on the pretext of marriage and thereafter committed forcible sexual intercourse with her.
3. Learned counsel for the applicant submits that the girl and her mother have been examined in this case and they have not supported the case of prosecution and they have turned

hostile. He further submits that the applicant and the girl were in love relations with each other and the applicant has been falsely implicated in this case. It is also submitted that the applicant is in jail since 13.07.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that the girl and her mother have turned hostile.

5. Perused the statements of the girl and her mother.

6. Taking into such statements wherein they have not supported the case of prosecution and considering the facts and circumstances of the case especially the fact that the applicant is in jail since 13.07.2015, I am inclined to release him 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