

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4334 of 2016

1. Bhupendra Dewangan, S/o. Sanat Dewangan, aged about 21 years, R/o. Maniyari, Police Station – Saja, District-Bemetara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station-Saja, District – Bemetara (Chhattisgarh)

---- Respondent

For Applicant	: Mr. B.P. Singh, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

08/08/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.27/2016, registered at Police Station – Saja, District – Bemetara (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 3 and 4 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 28.01.2016 a missing report was lodged by the father of the prosecutrix that his girls is missing from 27.01.2016. Subsequently on investigation, the girl was recovered from the possession of the applicant on 31.01.2016 and it revealed that the applicant enticed away the minor girl and thereafter, committed forceful rape.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as the girl was in love relation

with the applicant and she of her own joined the company of the applicant and the applicant has not enticed away the girl. It is further submitted that the applicant is in jail since 30.01.2016 and the charge sheet in this case has been filed, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the girl recorded under Section 161 and 164 of Cr.P.C., which shows that the victim was in love relation with the applicant and no allegation of rape has been attributed against the applicant. Considering the statement of the victim/girl, without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge