

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4318 of 2016

- Ashok @ Butu S/o Dharampal Aged About 27 Years (Wrongly Mentioned As Bittu In The Certified Copy) R/o Bardar, Police Station Khadgawa, District Korea, Chhattisgarh. - **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police of Police Station Khadgawa, District Korea, Chhattisgarh. ----
Respondent

For the applicant	:	Mr. Anil Gulati, Advocate
For the Respondent	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.08.2016

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. 38/2016 registered at P.S. Khadgawa, Distt. Korea (C.G) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 & 5 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, one Chatrapal has lodged report on 13.3.2016 stating that accused Prem Maravi enticed his minor daughter and took her away and thereafter Prem Maravi committed forcible sexual intercourse. During investigation it was revealed that the applicant also assisted the Prem Maravi in taking away the girl, thereby the offence is committed.
3. Learned counsel for the applicant would submit that the main allegations are against Prem Maravi and nothing has been attributed to this applicant. The only allegation against

the present applicant is that he dropped the victim and accused Prem Maravi at certain place, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of victim girl u/s 164 Cr.P.C. A perusal of such statement would show that nothing has been attributed to this applicant and in statement u/s 161 Cr.P.C., it is only stated that the applicant dropped Prem Maravi and victim at certain place.
6. Considering such statements of prosecutrix and the degree of allegations levelled against this applicant as also taking into totality of the facts and circumstances of the case, 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