

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4405 of 2016

1. Chhabilal Karsh, S/o. Dilip Karsh, aged about 29 years, R/o. Village-Sohagpur, Police Chowki Beladula, Police Station – Sarsiwa, District – Baloda Bazar-Bhatapara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station-Sarsiwa, District – Baloda Bazar-Bhatapara (Chhattisgarh)

---- Respondent

For Applicant	: Mr. C.R. Sahu, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/08/2016

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.57/2016, registered at Police Station – Sarsiwa, District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 354 (A) (1), 376, 511 of Indian Penal Code and Section 12, 18 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that when the prosecutrix/minor girl went to answer the call of nature at that time, the applicant came there and caught hold of her and dragged her to a distance and committed sexual intercourse.
3. Learned counsel for the applicant submits that as per the statement recorded under Section 164, the degree of allegation is different and

whereas it has been exaggerated in the statement under Section 161 of Cr.P.C. Considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 29.03.2016, 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 prosecutrix recorded under Section 161 and 164 of Cr.P.C. Taking into such statement and considering the facts and circumstances of the case and the fact that charge-sheet in this case has been filed, 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