

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4640 of 2016

Rajesh Patre, S/o. Naindas Patre, Aged About 22 Years, R/o. Village Birkona, Police Station Pipariya, Tahsil Kawardha, Civil & Revenue District Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate/ Station House Officer, Police Station Pipariya, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.122/2016 registered at Police Station- Pipariya, Distt. Kabirdham (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 3, 4 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, a report was made on 03.06.2016 by the uncle of the victim that the girl is missing and thereafter the girl was recovered on 19.07.2016 and after enquiry, it was found that the applicant enticed the girl and took her away from the lawful guardianship of her parents and committed sexual intercourse; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the victim/girl has been examined under Section 164 of Cr.P.C. wherein she has not attributed any sexual allegation against this applicant and she

stated that she of her own has gone alongwith the present applicant and wanted to stay with the applicant, therefore, no offence has been committed and, as such, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the victim under Section 164 of Cr.P.C. wherein no allegation of sexual assault has been attributed against this applicant. Considering such statement for the purpose of bail, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge