

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4882 of 2016

Anraj, S/o. Pilaraj Kashyap, Aged About 21 Years, R/o. Vill. Golapand,
P.S. - Kondagaon, Distt. Kondagaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : P.S. - Kondagaon, Distt. Kondagaon,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Devershi Thakur, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24.08.2016

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.61/2015 registered at Police Station- Kondagaon, Distt. Kondagaon (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 4 of POCSO Act, 2012.
2. As per the prosecution case, a report was made by the father of the victim/girl on 17.03.2015 that the applicant has enticed away his minor daughter from the lawful guardianship of the parents. Subsequently, the girl was recovered from the possession of the applicant and on investigation it was revealed that on the pretext of marriage, the applicant has committed sexual intercourse with her.
3. Learned counsel for the applicant would submit that the girl has been examined before the Court as PW-2 and she has not supported the case of the prosecution. He further submits that the

applicant has been falsely implicated and no offence is made out against him, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the girl/victim as PW-2 which shows that she has not supported the case of the prosecution. Considering such statement and the facts & circumstances of the case, 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