

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4839 of 2016

- Basant Kumar Kurre S/o Manaklal Kurre Aged About 21 Years
R/o Piparmati, Thana Pandatrai, District Kabeerdham,
Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Thana In Charge Pandatarai,
District Kabeerdham, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Samir Singh, Advocate
For the Respondent	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.08.2016

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. 47 of 2016 registered at P.S. Pandatrai, Distt. Kabeerdham (C.G) for the offence punishable under Sections 363, 366(A), 376(1) of IPC & Sections 3 & 4 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, on 02.06.2016 a report was made by the father of prosecutrix that his girl went missing and subsequently the girl was recovered on the same day. On investigation, it was found that the applicant has enticed away the minor girl and thereafter on the pretext of marriage committed forcible sexual intercourse.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and no allegations have been attributed in the statement of the girl recorded u/s 164 Cr.P.C., wherein it is stated that she herself

has gone to her friend's place, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the statement of prosecutrix u/s 164 Cr.P.C., wherein no allegations of rape have been attributed to this applicant and it is stated that she herself has gone to her friend's place.
6. Considering such statement of the victim girl, without any further observation on merits of the case, I am inclined to allow this bail application.
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