

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6693 of 2015

Pawan @ Lalik Kurre, S/o. Johan Das Kurre, Aged About 20 Years, R/o. of Village Patthar Punji, Police Station- and Tahsil Berla, District Bemetara (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the Station House Officer, Police Station Khairagarh District Rajnandgaon (C.G.)

---- Respondent

For Applicant	:-	Mr. R.S. Baghel, Advocate
For Respondent/ State	:-	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

12/01/2016

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. 152/2015 registered at Police Station- Khairagarh District Rajnandgaon (C.G.) for the offence punishable under Sections 363,366,376 of Indian Penal Code and section 4,6 of the Protection of Children from Sexual Offence Act, 2012.
2. Case of the prosecution, in brief, is that a missing report lodged by the uncle of the prosecutrix on 02.05.2015 alleging that the prosecutrix who was minor and on the pretext of marriage the applicant has committed sexual intercourse with the prosecutrix. Thereafter, on the missing report of the uncle the prosecutrix was recovered from the possession of the applicant and he was arrested on 03.05.2015.

3. Counsel for the applicant submits that the applicant is innocent and he was falsely implicated in this case. He further submits that the prosecutrix of her own travelled with the applicant in the bus and she was not enticed at the instance of the applicant and no rape has been committed by the applicant. He further submits that the applicant is in jail since 03.05.2015 and considering the period of detention he may be enlarged on bail.
4. Per contra State counsel opposes the prayer for grant of bail.
5. Having regard to the fact and perusal of the statement recorded under section 161 and 164 of Cr.P.C. wherein the prosecutrix has not supported the case of the prosecution and the fact applicant is in jail since 18.10.2015. Considering the fact for the purpose of bail without any observation on merit, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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