

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7425 of 2015

1. Om Prakash Verma, S/o. Late Sunderlal, aged about 21 years, R/o. Ghasidas Nagar, Khadanpara, Jamul, District – Durg (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station - Jamul, District – Durg (Chhattisgarh)

---- Respondent

For Applicant	:	Mr. C.R. Sahu, Advocate
For Respondent/State	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/01/2016

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.369/2015, registered at Police Station – Jamul, District – Durg (C.G.) for the offence punishable under Section 363, 366 of Indian Penal Code and Section 7 & 8 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a missing report was made by the mother of the prosecutrix, who is the minor girl on 13.08.2012 alleging that some person enticed the victim and took her away. Subsequently when she was recovered on 14.08.2015, a report was made and thereafter, statement was recorded and crime has been registered.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that

statement under Section 164 of Cr.P.C. was also recorded, wherein she has stated that she herself went alongwith the applicant and no offence has been committed by the applicant and at the instance of the applicant she come back in the house of the mother of the victim, therefore, no case is made out. He would further submit that charge-sheet in this case has been filed and the applicant is in jail since 14.08.2015, therefore, he prays that 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 and perused the case diary.
6. Considering the statement recorded under Section 164 of Cr.P.C., wherein the victim has not supported the case of the prosecution, without any observation on merits for the purpose of bail, 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