

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7471 of 2015

Raja Sharma, S/o Late Sahdev Sharma, Aged About 28 Years, Caste -
Bramhan, R/o Ramsagar Para, Korba, Tahsil & District Korba,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -
Deepka (wrongly mentioned as Police Station Shyang), District – Korba,
Chhattisgarh

---- Respondent

For Applicant : Mr. Anil Tripathi, Advocate

For Respondent : Mr. Sameer Behar, Panel Lawyer

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 for grant of regular bail to the applicant who has been arrested in connection with Crime No.27/2015, registered at Police Station– Deepka, District Korba (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a complaint was made by the mother of the victim on 15.02.2015 that from 13.02.2015 her daughter is missing. Subsequently, the daughter was recovered from Cuttack (Odisha) on 26.07.2015 from the possession of the applicant and it is alleged that the applicant enticed and took the minor girl from the lawful possession & custody of the guardian of the victim and thereafter committed forceful sexual intercourse.

3. Learned counsel for the applicant submits that the statement of the victim was recorded wherein it is stated that she herself had went alongwith the applicant and despite the fact that the applicant insisted her to go back, but she did not return and at her instance she stayed alongwith the applicant at Cuttack. Therefore, no allegation can be attributed to this applicant and as such he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim made under Section 161 as also the statement given before the Child Development Committee, Korba and after perusal of the statement, prima facie, it appears that the victim of her own went alongwith the applicant, therefore, without any observation on merit, considering the fact that the charge sheet has been filed and the applicant is in jail since 31.07.2015, 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 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge