

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4475 of 2016

1. Azad Siddiqui, S/o. Abtab Alam, aged about 20 years, R/o. Village-Madar (Bhadar), Police Station – Rajpur, Revenue District – Balrampur, Civil District – Surguja (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Rajpur, Revenue District – Balrampur, Civil District – Surguja (C.G.)

---- Respondent

For Applicant : Mr. S.D. Singh, Advocate

For Respondent/State : Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/08/2016

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.114/2015, registered at Police Station – Rajpur, Revenue District – Balrampur, Civil District – Surguja (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and 03, 04 of POCSO Act.
2. Case of the prosecution, in brief, is that a missing report was made on 03.08.2015, subsequently, the girl was recovered on 06.08.2015 and on investigation it was revealed that the applicant enticed away the minor girl from the lawful guardianship of her parents and thereafter, committed forceful rape.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is further submitted that the prosecutrix and her father have been examined before the Court below and they have not supported the case of the prosecution, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application, however, he do not dispute the fact that the prosecutrix and her father have been examined before the Court and they have not supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties.
6. Considering the statement of the prosecutrix and her father, without any further observation on merits, 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