

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5092 of 2016

1. Shubham Kumar Kothi @ Babu, aged about 18 years, S/o. Ranjan Kothi, R/o. Baghancha Road, R-01, Haldibadi, Thana Chirmiri, District – Koriya.

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Chirmiri, District – Koriya (C.G.)

---- Respondent

For Applicant	: Mr. Parag Kotecha, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

31/08/2016

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.106/2016, registered at Police Station – Chirmiri, District – Koriya (C.G.) for the offence punishable under Section 363, 366, 342 of Indian Penal Code and Section 4 of Prevention of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 05.04.2016, a report was made alleging that the applicant called the prosecutrix minor girl to his house, thereafter, the prosecutrix went to the house of the applicant at 3.30 in the morning, and the applicant asked her to wait in the room and locked it from the outside and went away. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has not enticed away the girl and it is the girl who herself went to the house of the applicant, wherein no sexual overt act or other obscene act has been committed. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 07.04.2016, therefore, it is prayed 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.
6. Perused the FIR and the statement of the prosecutrix. Taking into the nature of offence and the degree of allegation levelled against the applicant and the fact that charge-sheet in this case has been filed and the applicant is in jail since 07.04.2016, 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