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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5512 of 2016

- Tikam Chand S/o Narayan Prasad Ghoghare Aged About 27 Years R/o Kondkera, Police Station Rajim, Civil & Revenue District Gariyaband, Chhattisgarh. **--- Petitioner**

Versus

- State of Chhattisgarh through Police Station Rajim, District Gariyaband, Chhattisgarh. **--- Respondent**

For the applicant : Mr. P.P. Sahu, Advocate
For the Respondent : Mrs. Shobha Sahu, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 86 of 2016 registered at P.S. Rajim, Distt. Gariyaband (C.G) for the offence punishable under Sections 363, 366, 376(2) of IPC and Sections 4, 5, 6 of Protection of Children from Sexual Offences Act.
2. As per the prosecution case, a report was made by one Dubeylal Markendey that the present applicant has enticed away his minor daughter and subsequently when the girl was recovered, enquiry was made wherein it was revealed that the applicant has enticed the girl and thereafter committed forcible sexual intercourse.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated as he has not forcibly taken away the girl and no offence has been committed by the present applicant. He further submits that the age of the girl is stated to be 16 to 18 years and no allegations are

attributed in her statement u/s 164 Cr.P.C., therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.

5. Perused the case diary documents and the medical report wherein the age of the girl is stated to be in between 16 and 18 years. Further in her statement u/s 164 Cr.P.C., no allegations have been attributed against the applicant.

6. Considering such statement and age of the girl as also the fact that the charge sheet in this case has been filed, without any further observations on merits of the case, I am inclined to allow this bail application.

7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE

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