

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5636 of 2016

1. Topendra Verma, S/o. Gurendra Verma, aged about 31 years, R/o. Village-Nardha, P.S. Jamul, Tahsil & District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : District Magistrate, Civil and Revenue District – Durg (C.G.)

---- Respondent

For Applicant	: Mr. Amiyakant Tiwari, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/09/2016

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.358/2016, registered at Police Station – Jamul, District – Durg (C.G.) for the offence punishable under Section 363, 366 of Indian Penal Code and Section 11 (5) & 12 of Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that on 18.06.2016 a report was made by the father of the prosecutrix that the applicant enticed away the minor girl and kept in the house of his relative thereafter left her at village-Nardha. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he has not committed any offence since the victim/girl was scolded by mother and father as such she went out and she of her own had refused to return the

father's house, therefore, the applicant had left the victim/girl in the house of one of his relative and went away, therefore, no offence has been made out. 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.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the victim/girl recorded under Section 164 of Cr.P.C., wherein she has stated that she of her own left the house of her father. Considering such statement 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 each 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