

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5750 of 2016

- Ravikumar Gayakwad S/O Trilok Das Aged About 19 Years R/O Village Mohtara, Police Station Saja, District Bemetara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Dadhi, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.P. Sahu, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26-09-2016

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 on 10-03-2016 in connection with Crime No. 21 of 2016, registered at Police Station Dadhi, District Bemetara (CG) for the offence punishable under Sections 363, 366 and 376 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, a report was made by the prosecutrix that on 9-3-2016 that he applicant enticed away her and thereafter took her to field and subsequently on the pretext of marriage he committed sexual intercourse with her. While they were fleeing away, they were seen by the father of the prosecutrix and report was made.
3. Learned counsel appearing for the applicant would submit that the prosecutrix and her father have been examined before the court

below and they have not supported the prosecution case. It is further submitted that the applicant and the prosecutrix were in love relation and the prosecutrix of her own went along with the applicant. He would further submit that the charge-sheet has been filed in this case, he is in jail since 10-3-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the prosecutrix and her father have been examined in this case and they have not supported the prosecution case.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statements of the prosecutrix and her father which would show that they have been examined in this case and they have not supported the prosecution case.
7. Taking into consideration the facts and circumstances of the case and further considering the statements of the prosecutrix and her father, without any observation on the merit of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju