

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5998 of 2016

- Rajendra Kumar Gaikwad S/O Pradeep Kumar Gaikwad Aged About 24 Years R/O Village - Nawagaon, Post - Chandanbirhi, Tahsil - Gunderdehi District - Balod Chhattisgarh, Civil District - Durg Chhattisgarh Revenue District - Balod Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Police Station - Gariyaband District - Gariyaband Chhattisgarh

---- Respondent

For Applicant : Mr. A.K. Prasad, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04-10-2016

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 1-9-2016 in connection with Crime No. 127 of 2016, registered at Police Station Gariyaband, District Gariyaband (CG) for the offence punishable under Sections 363/34 of the IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, a report was made by the father of the victim girls that on 30-8-2016 his two daughters namely Kusumlata and Taruna Sinha had gone to school from their house. Subsequently, it was informed by some of the villagers that the applicant and other co-accused namely Akshya Ditlahare enticed away two girls and took them in the motor-cycle and while they were being chased, they left two girls and fled away and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case and the victim girls of their own went along with the applicant and no sexual overt-act has been reported against the present applicant. He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 1-9--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.
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 victim girls recorded under Sections 161 and 164 of the Cr.P.C, wherein no positive allegations have been attributed to the present applicant.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the statements of the victim girls and also the fact that the charge-sheet has been filed and the applicant is in jail since 1-9-2016, 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