

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6090 of 2016

- Ashid @ Ashis Tigga S/o Mukti Tigga Aged About 19 Years Caste-Uraon, R/o Village Bachhraon Manjhatoli, Thana- Narayapur, Tahsil-Bagicha, District- Jashpur, Chhattisgarh. Civil & Revenue District Jashpur, District Jashpur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Narayanpur, District - Jashpur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Manoj Chauhn, Advocate
For the Respondent	:	Mr. Neeraj Sharma, Dy. Govt. Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.10.2016

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. 58 of 2016 registered at P.S. Narayanpur, Distt. Jashpur (C.G) for the offence punishable under Sections 363, 366 & 376 of IPC and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 14.05.2016 a report was made by the mother of the victim that the present applicant has enticed away the minor girl from the lawful custody and when the complainant went to the house of applicant, he refused to release her daughter on the ground that she has married to him. Thereafter the victim was recovered from the possession of the applicant and on enquiry it was revealed that on the pretext of marriage the applicant has forcibly committed sexual intercourse with the girl.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the statement of the victim, aged about 17 years, has been recorded u/s 164 Cr.P.C., wherein she has completely denied the incident. It is further submitted that the charge sheet in this case has been filed and no further investigation is necessary, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of the girl u/s 164 Cr.P.C., wherein she has refuted the entire allegations levelled against the applicant. Considering such statement and age of the prosecutrix who is stated to be 17 years as also the fact that the charge sheet has been filed, without any further observation on merits of the case, I am inclined to allow this bail application.
6. 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