

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6218 of 2016

- Ganesh Ram Sahu S/O Jethu Ram Sahu Aged About 21 Years
R/O Village Gopal Nagar Gudhiyari, Police Station Gudhiyari,
District Raipur Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through : Station House Officer, Police
Station : Gudhiyari, District : Raipur Chhattisgarh

---- **Respondent**

For Applicant : Mr. C.R. Sahu, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-10-2016

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 9-3-2016 in connection with Crime No. 56 of 2016, registered at Police Station Gudhiyari Raipur, District Raipur (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, on 7-3-2016 a report was made by the complainant Laxmi Nishad who is mother of the prosecutrix that her minor daughter was missing from 7-3-2016. Subsequently, the girl was recovered on 9-3-2016 and on enquiry it was revealed that the applicant enticed away the minor girl from lawful guardianship of her parents and on the pretext of marriage he committed sexual intercourse with her and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the prosecutrix has been examined before the court below and she has not supported the prosecution case, she of her own went along with the applicant and the applicant has not enticed away the minor girl and no sexual assault has been attributed to the applicant. He would further submit that the charge-sheet has been filed in this case, he is in jail since 9-3-2016 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 has turned hostile.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents
6. Perused the statement of the prosecutrix wherein she has not supported the prosecution case.
7. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and further considering the statement of the prosecutrix, 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

