

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 24 of 2017

J.D. @ Jaidev Mandal, D/o. Sadanand Mandal, Aged About 25 Years, R/o. Village- Coloney East- 2, Dharamjaigarh, Tahsil- Dharamjaigarh, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police- Sitapur, District Sarguja, Chhattisgarh.

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/02/2017

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 in connection with Crime No.50/2010 registered at Police Station- Sitapur, District Sarguja (C.G.) for the offence punishable under Section 363, 366 of the Indian Penal Code.
2. As per the prosecution case, a missing report was made by the uncle of the victim on 03.04.2010 that the victim is missing. Subsequently, on enquiry, it revealed that one Motu @ Karimulla and Saddam @ Rohit alongwith the present applicant has enticed away the minor girl from the lawful guardianship of her parents and on the pretext of marriage, sexual intercourse was committed by the other co-accused Saddam @ Rohit.
3. Learned counsel for the applicant would submit that the applicant is a student and the other co-accused who are tried they have been acquitted by the Court below by an order dated 14.10.2010

and the applicant though was a student, he was not inculpated and he was not known to the fact that the case has been filed and no allegation of rape is attributed to the present applicant. She referred to the statement of the victim and would submit that the entire incident was denied, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, documents and also the statement of the victim wherein she appears to be turned hostile alongwith his father. Considering the fact that the entire allegations have been denied by the prosecutrix and her father and further taking into fact that the applicant is in jail since 26.11.2016 and other co-accused have been acquitted, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge