

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2476 of 2017

- Bhupesh Chakradhari @ Rahul Chakradhari S/o Komal Chakradhari, Aged About 24 Years R/o Village- Dundra, Abhanpur, Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station, Aamanaka, Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Vikram Singh, Advocate

For Respondent/State : Mr. G. Mukopadhyay, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-6-2017

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 on 24-10-2016 in connection with Crime No. 123 of 2016, registered at Police Station Aamanaka, Raipur (CG) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 20-5-2017 a missing report was made by the mother of the prosecutrix that her minor daughter was missing. Subsequently, prosecutrix came back to her house and on investigation it revealed that present applicant enticed away the minor girl from lawful custody of her parents and thereafter committed sexual intercourse with her and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case and the victim girl and her father have been examined and they have not supported the case of prosecution. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 24-10-2016 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 is not able to dispute the fact that the prosecutrix and her father have been examined and they have not supported the case prosecution.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the prosecutrix and her father Birbal Sahu which would show that they have not supported the case of prosecution.
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 merits 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. He shall also appear before the trial Court as and when directed.

9. In view of the above, I.A.No.1 of 2017, application for urgent hearing and I.A.No. 2 of 2017, application for hearing during summer vacation stand disposed of.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge

Raju