

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2882 of 2017

- Prem Singh s/o. Jadu Lal aged about 20 years r/o. Amabbhuda (Nawadih), PS Belgahna, District Bilaspur (CG).

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, PS Khadgawa, District Korea Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. G. Mukhopadhyay, Dy. Advocate General

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13-06-2017

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 31-3-2016 in connection with Crime No. 38 of 2016, registered at Police Station Khadgawa, District Korea (CG) for the offence punishable under Sections 363, 366, 376, 2 (N) of IPC and Sections 4, 6 and 10 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 13-3-2016 a missing report was made by Chatrapal Singh, father of of the prosecutrix that his minor daughter was missing. Subsequently, prosecutrix was recovered from the custody of the present applicant on 31-3-2017. During investigation it revealed that present applicant enticed away the minor girl from lawful guardianship of her parents and committed sexual intercourse with her knowing fully well that she is a minor and thereby the aforesaid offence has been 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 case of prosecution, therefore, no offence has been committed by the applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 31-3-2017 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, perused the case diary and documents.
6. Perused the copy of statement of prosecutrix attached along with bail petition wherein she has not supported the prosecution case.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix, without further 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge

Raju