

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3147 of 2017

- Shankar Das Manikpuri @ Raju S/o Roshan Das Manikpur, Aged About 19 Years R/o Bajrang Nagar, Purana Basti, Birgaon, Police Station Urla, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh S/o Through, Station House Officer, Police Station -Arang, District . Raipur Chhattisgarh

----Respondent

For Applicant	:	Shri Vimlesh Bajpai, Advocate
For Respondent/State	:	Shri UKS Chandel, PL

Hon'ble Shri Justice Anil Kumar Shukla

Order on Board

01.06.2017

- 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 in connection with Crime No. 216 of 2016 registered at Police Station Arang, district Raipur (CG) for the offences punishable under Sections 363, 366, 376 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
- 2) The prosecution story, in brief, is that on a missing report, Police recovered the prosecutrix, aged about 16 years, who was in Class IX; and it is alleged that present applicant, on the pretext of marriage, committed sexual intercourse with her, a minor girl.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the case and is in jail since

28.11.2016. He further submits that the prosecutrix has not supported case of the prosecution, therefore, he may be released on bail.

4) On the other hand learned State counsel opposes the prayer for grant of bail. However, he submits that as per the information received from the concerned SHO, the applicant has no antecedent of similar offence.

5) Taking into consideration the totality of the circumstances, without commenting on merit; the fact that the prosecutrix herself has not supported the case; and also that the applicant is in jail since 28.11.2016, this Court is inclined to release the applicant on bail.

6) Accordingly, the bail application filed under Section 439 of the 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.

8) If any similar criminal antecedent of the applicant is pointed out at a later stage, the instant bail order shall automatically stand cancelled.

Sd/-
(Anil Kumar Shukla)
Vacation Judge