

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3253 of 2017

- Raju Khute S/o Trilochan Khute Aged About 21 Years Occupation- Agriculturist, R/o Vilage- Senduras, Police Station- Malkharauda , District- Janjgir- Champa, Chattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Jaijaipur, District- Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Surfarj Khan, Advocate

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

Hon'ble Shri Rajendra Chandra Singh Samant

Order On Board

21/11/2017

1. Heard the matter finally.
2. 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. 03/2017, registered at Police Station – Jaijaipur, District Janjgir Champa (C.G.), for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 (POSCO).
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the offence of rape was not committed by the applicant and he is in jail since 18.01.2017. The maternal grandfather of the prosecutrix lodged a missing report with the police and without any basis, after recovery of the prosecutrix, the case has been registered against the applicant, hence the applicant prays for grant of bail.

4. Learned counsel for the State opposes the application and the submission made in this regard. It is submitted that there is a allegation of rape and also that the age of the prosecutrix on the date of incident was below 18 years. for this reason, the applicant is not entitled for grant of bail.
5. Heard counsel for the party and perused the case diary.
6. The facts are that the The prosecutrix was missing since 09.1.2017 and the missing report has been lodged on 10.01.2017 by maternal grandfather. On this basis, the offence was registered against the applicant and Charge-sheet has been filed after the investigation.
7. Considering the submission and contents of the case diary and looking to the facts of this case, I am of view that it is a fit case where the applicant is entitled for grant of bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with on surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge