

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3546 of 2017

- Bajrang Sahu @ Ravi S/o Gopal @ Munna Sahu Aged About 20 Years, R/o Ramkund, Outpost Azad Chowk, Raipur, Tahsil and District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police of Police Station- Azad Chowk, Raipur, District- Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Smt. Smita Jha, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-11-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant was arrested on 19-12-2016 in connection with Crime No.299/2016 registered at P.S. Azad Chowk, Raipur, C.G. for the offence under Section 363, 366, 376 of the IPC and Section 4 and 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix in this case was not minor on the date of incident. The applicant and the prosecutrix had love affair, the prosecutrix on her own came to the applicant and both of them went to Dongargarh and they have married in the temple, and thereafter they were living together. Mother of the prosecutrix lodged the FIR against unknown about the abduction of her daughter, because of which the applicant has been arrested and his wife has been taken away. It is

prayed that the applicant is innocent, he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that the prosecutrix had been minor on the date of incident according to the admission register of the school; further, the prosecutrix has given categorical statement against the applicant in her statements under Section 161 and 164 of the Cr.P.C., because of which, the applicant is not entitled for grant of bail.

4. Learned counsel for the applicant again submits that according to the additional documents filed, it is clear that the prosecutrix and her mother have been examined before the trial Court and both of them have turned hostile and not supported the case of prosecution. This is also a circumstance in favour of the applicant for grant of bail.

5. Learned counsel for the State/non-applicant again opposes the submission made.

6. Heard learned counsel for both the parties and perused the case diary.

7. The mother of the prosecutrix lodged the FIR on 17-12-2016 in P.S. Azad Chowk, Raipur that her minor daughter has been enticed and abducted by some unknown person, on the basis of which the offence under Section 363 of the IPC was registered. During investigation, the prosecutrix was recovered, her statement were recorded and thereafter other offences under Section 366 and 376 of the IPC and Section 4 and 6 of Protection of Children from Sexual Offences Act were also added.

8. Considering the submissions made, contents of the case diary and the statements recorded before the trial Court, this Court is of the view

that keeping the applicant in detention till completion of the trial would not serve any purpose. Hence, for these reasons, the application filed by the applicant for grant of bail deserves to be allowed.

9. Consequently, the application (MCRC No.3546/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. 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 Court, for his appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge