

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3720 of 2017

- Malik Ram @ Golu @ Rahul Satnami S/o Mohan Satnami, Aged About 23 Years, R/o Vicharpur Khapri, Police Station - Lalpur, Civil and Revenue District - Mungeli Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - S/ Lohara, District - Kabirdham Chhattisgarh.

---- Non-applicant

For Applicant – Ms. Upasna Mehta, Advocate.

For Non-applicant/State – Mr. Anant Bajpai Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-11-2017

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 07-04-2017 in connection with Crime No.70/2017 registered at P.S. S / Lohara, District - Kabirdham, C.G. for the offence under Section 363, 366, 376 of the IPC and Section 3, 4 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix in this case is not a minor and further she has made statement under Section 164 of the Cr.P.C. during investigation making clarification that she went on her own with the applicant, and resided in different places, during which no physical relationship took place between the applicant and the prosecutrix. The applicant is in jail since 07-04-2017. He is ready to abide by all the conditions imposed for grant of bail. Hence, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that as per the documentary proof from

the school, the age of the prosecutrix had been between 14 to 15 years on the date of incident, because of which her willingness or consent is immaterial. Hence, the applicant is not entitled for grant of bail.

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

5. Facts of the case are these that the prosecutrix went missing and a missing report was lodged by the father of the prosecutrix. Thereafter, she was recovered from the custody of the applicant and on the basis of the statement given the FIR has been lodged. Charge sheet has been filed after completion of the investigation.

6. Considering the submissions made and the contents of the case diary and particularly the statement of the prosecutrix under Section 164 of the Cr.P.C., I am of the view that this is a fit case where the applicant should be benefited with grant of bail.

7. Consequently, the application (MCRC No.3720/2017) 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge