

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4284 of 2017

Kuleshwar Kumar Singour S/o Late Anand Ram Singour
(Lodhi) Aged About 20 Years R/o Village Khamharia, Police
Station Amleshwar, District Durg, Chhattisgarh.

--- Petitioner

Versus

State of Chhattisgarh through Station House Officer, Police
Station Amleshwar, District Durg, Chhattisgarh.

--- Respondent

For the applicant	:	Mr. Rajesh Kumar Sharma, Advocate.
For the Respondent	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.11.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 45 of 2017 registered at Police Station Amleshwar, Distt. Durg (C.G) for the offences punishable under Sections 363, 366 & 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was lodged by the father of victim on 17.03.2017 that one of his daughter is missing. Subsequently the daughter was found on 18.03.2017 and on enquiry it was revealed that the present applicant has enticed away her from the lawful guardian ship of her parents and thereafter committed sexual intercourse and then left her.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and the victim was aged about

more than 16 years at the relevant time and she was in love relations with the applicant and nothing has been stated in her statement u/s 161 Cr.P.C. He further submits that the prosecutrix has been examined before the Court below and she has not categorically stated about the rape and only apprehension has been made. He also submits that the applicant is in jail since 20.03.2017 and the charge sheet has been filed, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. During the course of argument, statement of the prosecutrix recorded before the Court below has been placed on record. A perusal of the statement of prosecutrix would show that she has not made any positive statement about the rape and mere apprehension about the rape has been made. The case diary do not contain any FSL report. Considering the same as also the fact that the applicant is in jail since 20.03.2017 and the charge sheet has been filed, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**