

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4483 of 2017**

Prashant Kushwaha S/o Late Lokendra Singh, Aged About 21 Years
R/o Sakin Jagatpur, Police Station Bichwa, District Mainpuri (Uttar
Pradesh) Presently R/o Sikandra, Pragati Vihar Police Station
Sikandra, District Agra Uttar Pradesh.

---- Petitioner**Versus**

State Of Chhattisgarh Through Police Station Kharora, District Raipur
Chhattisgarh.

---- Respondent

For the Petitioner : Shri Manoj Paranjpe, Advocate.
For the Respondent/State : Shri Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.10.2017**

1. Heard.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.29 of 2017, registered at Police Station – Kharora, District Raipur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.
3. Learned counsel for the applicant submits, that the applicant is in jail since 30.03.2017 and has been falsely implicated in this case. The applicant and the prosecutrix had love affair and had a very good friendship between them. Without informing anybody, the prosecutrix went to Agra, the place of permanent residence of the applicant, she stayed in his house almost a

month and when the parents of the prosecutrix came to know the whereabouts, they came to Agra and brought her back. Thereafter, a false FIR was registered against the applicant. The charge-sheet has been filed in this case and the prosecutrix has been examined by the trial Court who has given no incriminating statement against the applicant. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. Considering the submissions made and as per the contents of the case diary, I am of the considered view that in this case the applicant deserve to be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge