

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4769 of 2017**

Vikky Ratre S/o Shri Gendram Ratre, Aged About 20 Years R/o Village Mudiyadih, Police Station Palari, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Palari, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For applicant	Mr. S.K. Guha, Adv.
For Respondent/State	Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****1-11-2017**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. Perused the copy of the case diary produced by counsel for the State in connection with Crime No.2/2017 registered in police station Palari, Distt. Baloda Bazar-Bhatapara (CG) for offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012 and also heard counsel for the parties.
3. Prosecution story in brief is that the date of birth of the prosecutrix is 24-3-1999. On 29-12-2016 the prosecutrix did not return back from the school then her father intimated Police Station Palari where missing person No. 115/2016 was registered. During inquiry, the prosecutrix was recovered on 30-3-2017 from the possession of the applicant. The applicant had taken her to Kolkata on the pretext of marriage and committed sexual intercourse with her.
4. In the statement recorded under Section 164 of the Cr.P.C. of the

prosecutrix, it has been mentioned that on 29-12-2016, the complainant gave her cake in which something was mixed. Thus she got hypnotized and went with him in his motorcycle. They lived there like husband and wife.

5. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he may be released on bail.
6. On the other hand, the Panel Lawyer appearing for the state opposed the bail application.
7. Looking to the above facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, applicant is in custody 30-3-2017, this court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 am as and when directed till trial, he be released on bail.
8. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge