

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5596 of 2017

Mahendra Lodhi, S/o. Laxmi Narayan Lodhi, Aged About 24 Years, R/o. Parshurampur, Kharhadand, Police Station- Ramanujnagar, District Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, The Incharge, Adim Jati Kalyan, Thana, Surajpur, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rahul Mishra, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21.11.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.238/2014 registered at Police Station- Adim Jati Kalyan Thana, Surajpur, District Surajpur (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
2. As per the prosecution case, a missing report was made by the father of the victim that the present applicant has enticed away the minor girl from the lawful custody of the parents and thereafter committed forceful sexual intercourse on the pretext of marriage. The girl was recovered on 05.04.2017 from the possession of the applicant; thereby, the offence has been committed.

3. Learned counsel for the applicant would submit that the victim has been examined before the Court and she has not supported the case of the prosecution, therefore, no case is made out against the present applicant; consequently, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the victim has not supported the case of the prosecution.
5. Perused the case diary and the documents. Considering the statement of the victim, without any observation on merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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/-
(Goutam Bhaduri)
Judge