

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6010 of 2017**

Bhim Sidar @ Bhima, S/o. Shri Shani Sidar, aged about 22 years, R/o. Lapal,
P.S. - Kansabel, District – Jashpur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station – Batouli, District – Surguja
(C.G.).

---- Respondent

For Applicant	: Mr. Arvind Sinha, Advocate
For Respondent/State	: Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**07/11/2017**

1. 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.24/2017, registered at Police Station – Batouli, District – Surguja (C.G.) for the offence punishable under Section 363, 366, 376 (2) (b) of the Indian Penal Code and Section 5 & 6 of Protection of Children from Sexual Offence Act, 2012.
2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. Statement of the prosecutrix was recorded by Judicial Magistrate First Class, Ambikapur under Section 164 of Cr.P.C., according to which, no offence was committed against the prosecutrix, who had on her own went to stay with aunt –

Mangri Sidar and the applicant is son of Mangri Sidar, hence for this reason, the applicant is entitled for grant of bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary and the certified copy of the statement of the prosecutrix recorded under Section 164 of Cr.P.C..
5. Considering the submissions made, contents of the case diary and statement of the prosecutrix recorded under Section 164 of Cr.P.C., this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.
7. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge