

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7083 of 2017**

- Laxmi Narayan Bhatt @ Raja S/o Shri Kamlesh Bhatt (Also Known As Kamlesh Sharma) Aged About 20 Years, R/o Tehsilbhata, P.S. & Tehsil Katghora, Revenue & Civil District Korba, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, S.C.& S.T. Welfare Police Station Korba, Revenue & Civil District Korba, Chhattisgarh

---- Respondent

For Applicant	:	Shri Surfraj Khan, Advocate
For Respondent-State	:	Shri SRJ Jaiswal, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/12/2017**

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 on 12.09.2017 in connection with Crime No.67/2017 registered at Police Station S.C. & S.T. Welfare Police Station Korba, District Korba (CG) for the offence punishable under Sections 376, 323, 506 of I.P.C., Section 3 (2) (5) of the S.C. & S.T. (Prevention of Atrocities) Act & Section 4 of the POCSO Act.
2. As per the prosecution case, on 08.03.2017 a report was made by the prosecutrix that prior to the lodging of the F.I.R. while she was minor the applicant enticed away her from the lawful custody of the parents and committed sexual intercourse.

3. Learned counsel for the applicant submits that the prosecutrix was a major when the report was made and the F.I.R. itself is delayed by 3 to 4 years and in between she went to the police station and made a report against the applicant that the applicant has only taken some money from her, therefore, no offence is made out against the applicant and he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix. Wherein the incident has been reported to be prior to 2013. Considering the same, without any observation on merits, I am inclined to release the applicant on bail.
6. Accordingly, the 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 trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu