

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 988 of 2017

1. Abhimanyu, S/o. Uttam Ram, Aged About 22 Years, Cast -Chikwa, R/o. Kotba, Police Station -Kotba, Tahsil Patthalgaon, District-Jashpur, Chhattisgarh.

----Applicant

Versus

1. State of Chhattisgarh, Through : The Station House Officer, Police Station -Lailunga, Civil & Revenue District- Raigarh, Chhattisgarh. .

---- Respondent

For Applicant	:	Mr. Manoj Jaiswal, Advocate
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/03/2017

1. This is the second 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.33/2016, registered at Police Station – Lailunga, District – Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and under Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 07.11.2015 the applicant along with one Chandan Das enticed away the minor girl/victim from the lawful guardianship of her parents on the pretext to provide her job and took her to Delhi and thereafter she was subjected to as forceful labourer at Delhi and eventually when it was reported to her mother and father, she was recovered from Delhi. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that this is second bail application. The first bail application was dismissed as withdrawn with liberty to repeat the same after examination of the victim and now the victim has been examined and she has not identified the present applicant, therefore, no offence is made out against the present applicant, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the victim, which prima faice shows that the victim has not identified the present applicant. Taking into such statement without any further observation on merits this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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/-
(Goutam Bhaduri)
Judge