

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2026 of 2017**

- Ajay Dahariya S/o Bodhram Dahariya, Aged About 23 Years R/o Village Khamariya, Out Post Lavan, Police Station Kasdol, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh Through S.H.O. Police Station Kasdol, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Amiyakant Tiwari, Advocate
For Respondent-State	:	Shri Luv Sharma, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****22/05/2017**

1. This is the First Bail Application under Section 439 of Cr.P.C. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.22/2017, registered in Police Station Kasdol, Distt. Baloda Bazar-Bhatapara for offence under Sections 363, 366 & 376 of IPC and Section 4 of the THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012.
2. Although the prosecutrix is said to be aged less than 18 years and has made allegation of kidnapping/abduction and commission of sexual intercourse in her case diary statement, yet considering the fact that in subsequent statement recorded under Section 164 Cr.P.C.on 06.02.2017, she has denied the fact that the applicant enticed her and thereafter

committed sexual intercourse, the applicant, who is in jail since 05.03.2017 is entitled to be released on bail.

3. 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/-

Vacation Judge

Prashant Kumar Mishra

Ashu