

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4695 of 2017

Jitendra Bandhe, S/o. Ramcharan Bandhe, Aged About 21 Years, R/o. Jaraud, Police Station Bhatapara Rural, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Bhatapara, Rural, District Baloda Bazar, Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Amiyakant Tiwari, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26.07.2017

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.371/2016 registered at Police Station- Bhatapara Rural, District Baloda Bazar Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 4 of POCSO Act.
2. As per the prosecution case, a missing report was made by the father of the victim on 08.12.2016 that the present applicant took away the minor girl from the lawful custody of the parents and thereafter committed sexual intercourse on the pretext of marriage. Thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that the victim has been examined and she has not supported the case of the prosecution and no allegation is attributed to the applicant,

therefore, no case is made out against the present applicant.

Consequently, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim PW-3 and the complainant PW-1. It appears that they have not supported the case of the prosecution. Considering the same, 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