

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 68 of 2018**

Malik Ram Kavar, S/o. Shri Lilaram Kavar, Aged About 29 Years, R/o. Village Sothi, Police Station -Sipat, Tahsil And District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Police Station -Sipat, District -Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Ritesh Verma, Advocate

For State/respondent : Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****19/03/2018**

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.175/2017, registered at Police Station – Sipat, District – Bilaspur (C.G.), for the offence punishable under Section 363, 376 of the Indian Penal Code and Section 3, 4 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The age of the prosecutrix was above 18 years on the date of incident and she was a consenting party though out, hence, no case is made out against the applicant. Therefore, the counsel prays that the applicant may be

released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case against this applicant is this that on 14.07.2017, the prosecutrix/minor girl left with this applicant and stayed at various places in the meanwhile, the applicant committed offence of rape with her. Father, Shiv Kumar Patel lodged FIR about abduction of his minor daughter. The prosecutrix was recovered from the custody of this applicant on 16.08.2017, thereafter, on the basis of the statement and on the basis of proof of her age, the case was registered against the applicant. In the present development of things, the statement of the lodger of the FIR – Shiv Kumar has been recorded before the trial Court.
6. Considered on the submissions made and the contents of the case diary and also perused the certified copy of the deposition of the lodger of FIR – Shiv Kumar. Perusal of the statement, it appears that he has not supported the case of the prosecution. Considering on the material present in the charge-sheet and also the development of things that has taken place, 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/-
(Rajendra Chandra Singh Samant)
Judge

Balram