

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 789 of 2018

- Monu Sarthee @ Omprakash S/o Dipak Sarthee Aged About 23 Years
Caste Ghasiya, R/o Village Pasla, Police Station And District Surajpur,
Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Surajpur, District Surajpur, Chhattisgarh., District : Surajpur,
Chhattisgarh

---- Respondent

For Applicant	:	Mr. S. A. Ansari, Advocate.
For Respondent/State	:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

16/02/2018

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. 331/2017, registered at Police Station- Surajpur, District – Surajpur(C.G.) for the offence punishable under Sections 363, 366(A), 376 of the Indian Penal Code (for short 'IPC') and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. Applicant and the prosecutrix had a love affair between them, only for this reason false FIR has been lodged against him. After completion of investigation, charge-sheet has been

filed. Prosecutrix has been examined before the trial Court, in which, she has not stated anything against this applicant because of which she has been declared hostile by the prosecution. Applicant is in jail 23.8.2017 and he is willing to abide by all the conditions and directions, which may be imposed on him while granting bail. Hence, it is prayed that applicant be benefited with grant of regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to the case against this applicant, the prosecutrix is a minor of age below 18 years. It is alleged that applicant enticed away the minor prosecutrix on 19.8.2017, because of which father of prosecutrix Nanku Ram lodged FIR on 22.8.2017. Prosecutrix was recovered from the custody of this applicant on 23.8.2017, thereafter, the case was investigated and charge-sheet has been filed.
6. Considered.
7. Perused the certified copy of the statement given by the prosecutrix before the concerned trial Court where she has been declared hostile by the prosecution for not supporting the case of prosecution. Taking into consideration these developments of things, I am of this view that this is a fit case where applicant should be benefited with grant of bail.
8. Accordingly, the first bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his 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 their appearance as and when directed.

9. Certified copy today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha