

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.951 of 2018**

Dilip Baghel, son of Sukhram Baghel, aged about 22 years, R/o Village Tohuldeeh, P.S. Takhatpur, District Bilaspur, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Station House Officer, Police Station Takhatpur, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Rajeev Kumar Dubey, Advocate
For Respondent/State	:	Shri Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****3.4.2018**

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.392 of 2017 registered at Police Station Takhatpur, District Bilaspur for offence punishable under Sections 363, 366A and 376/34 of the Indian Penal Code, Sections 84 and 67 of the Juvenile Justice (Care and Protection of Children) Act and Sections 4, 16 and 17 of the Protection of Children From Sexual Offences Act.
2. Case of the prosecution, in brief, is that a written complaint was submitted before Police Station Takhatpur by the prosecutrix, aged about 12 years alleging that on 23.9.2017 at about 11:30 p.m., she went out of home to attend the call of nature. At that time, the Applicant came there, gagged her mouth and took her away with him. Co-accused Ranjit was already present there on a motorcycle. Both of the accused forcibly took her away on the

motorcycle towards Nagoi. On the way, co-accused Ranjit left them and went away. Thereafter, the Applicant committed rape with her. When father and brother of the prosecutrix reached there, the Applicant ran away from there.

3. Learned Counsel appearing for the Applicant submits that the Applicant has been falsely implicated in the case. In her Court statement, the prosecutrix (PW1) has not supported the case of the prosecution and she has been declared hostile. Similarly, her brother Chaituram (PW2) has also not supported the case of the prosecution and he has also been declared hostile. Charge-sheet has been filed. The Applicant is in custody since 13.10.2017. Trial will take a long time. Therefore, he may be released on bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard Learned Counsel appearing for the parties and perused the entire case diary with due care.
6. Taking into consideration the facts and circumstances of the case, particularly, the facts that the prosecutrix and her brother have not supported the case of the prosecution and they have been declared hostile, charge-sheet has been filed against the Applicant, he is in jail since 13.10.2017 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to enlarge the Applicant on bail.
7. Accordingly, the bail application is allowed.

8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rs.10,000/- with one solvent surety of the like sum to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE