

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1034 of 2018

- Ankesh Kumar @ Sonu Sahu S/o Gaurishanker Sahu, Aged About 21 Years, R/o Mohtara, Police Station Gidhouri Tundra, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Gidhouri Tundra, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Anil Gulati, Advocate.

For State/Non-applicant – Ms. K. Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30/04/2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 22-10-2017 in connection with Crime No.128/2016 registered at P.S. - Gidhouri Tundra, District Baloda Bazar-Bhatapara, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 17, 18, 4 of Protection of Children from Sexual Offences Act and Section 3(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix is a major girl of age about 18 years. According to the FIR lodged against this applicant, it is apparent that there had been love affair between the applicant and the prosecutrix and the FIR was lodged only for the reason that the applicant had left the prosecutrix. Hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application

and submits that the prosecutrix was minor on the date of incident, hence, no case is made out for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, on 05-08-2016 the prosecutrix went missing. The FIR was lodged by father of the prosecutrix on 07-08-2016 and on that basis offence under Section 363 of the IPC was registered against this applicant. Later on, other offences have been registered after recovery of the prosecutrix on her statement.

6. After perusal of the case diary, it appears that the applicant and the prosecutrix had some relationship and then the applicant left her. The age of the prosecutrix is debatable, which shall be determined by the trial Court. Hence, under the present circumstances, I am of this view that this applicant should be released on bail during pendency of the trial against him.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge