

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7855 of 2017**

Gopal Giri, S/o. Khora Giri, Aged About 50 Years, R/o. Sevari, Line Para, Sarnapara, Police Station -Rajpur, District -Balrampur- Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Advocate
For Respondent/State	: Mr. Vinod Kumar Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**26/02/2018**

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.166/2017, registered at Police Station –Ambikapur, District – Sarguja (C.G.) for the offence punishable under Section 363, 366, 365, 376, 506, 144 of the Indian Penal Code and Section 4, 5 (ढ)/6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out on the basis of the material present in the charge-sheet. Applicant is in jail since 13.09.2017, he is local resident of District-Balrampur – Ramanujganj and he is ready to abide by all the conditions imposed for grant of bail, therefore, it is prayed that the applicant may be enlarged 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. Brief facts of the case are that it was the applicant who putting the prosecutrix under threat on the point of knife abducted her and took her to a village of No.11, from where she went to the place of her maternal-grand-mother and stayed for about four months. FIR was lodged after four months of the date of incident by the father of the prosecutrix against unknown person. After recovery of the prosecutrix, the case has been investigated and the applicant has been arrested.
6. Considering the submissions made and the contents of the case diary particularly the statement of the witnesses against this applicant and specifically the statement of the prosecutrix under Section 164 of Cr.P.C. 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