

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 43 of 2018**

Kailash Uike S/o Dara Singh Uike, Aged About 25 Years R/o Dewarpara, Abhanpur District Raipur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Civil Line Raipur, District Raipur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Kishore Narayan, Advocate.
For the Respondent/State	:	Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.03.2018**

Heard.

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.296 of 2015, registered at Police Station – Civil Lines, Raipur, District - Raipur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 10.07.2017 and he has been falsely implicated in this case. It is submitted that the age of the prosecutrix had been above 18 years on the date of incident which is supported by the report of the radiological

examination of the prosecutrix. Further, the prosecutrix had been a consenting party in this case, hence, no case is made out against the applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.

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

5. Mother of the prosecutrix lodged a missing report on 23.9.2015 about the missing of the prosecutrix. Thereafter, a named FIR was lodged by the mother of the prosecutrix and subsequent to that the prosecutrix was recovered from the custody of the co-accused on 1.11.2015. On the basis of the statement given by the prosecutrix that she is a minor and was forced to submit for sexual relationship with the applicant, the offence was registered against the applicant.

6. Considering the material present in the case-diary and perusing the statement of the prosecutrix under Section 161 of the Cr.P.C., I am of the considered view that in this case the applicant deserves to be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge