

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.1184 of 2018**

Deepak Sahu, S/o Bhagwan Singh Sahu, aged about 25 years, R/o Village Kumhali, Police Station Ranitarai, Tahsil Patan, District Durg, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Station House Officer, Police Station Ranitarai, Durg, District Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri Manish Upadhyay, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****12.4.2018**

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.46 of 2017 registered at Police Station Ranitarai, District Durg for offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children From Sexual Offences Act.
2. Case of the prosecution, in brief, is that on 27.3.2017, Sanjeev Kumar Sahu, father of the prosecutrix, aged about 15½ years, lodged a report alleging that on 27.3.2017 itself at about 5:45 a.m., the present Applicant took away her daughter (the prosecutrix), against her will on his motorcycle. Police registered aforesaid Crime No.46 of 2017. During investigation, the prosecutrix was recovered from possession of the Applicant. He was taken into custody on 27.3.2017 itself.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent. He has been falsely implicated in the case. He is in custody since 27.3.2017. In her Court statement, the prosecutrix has not supported the case of the prosecution and has been declared hostile. He prays that the Applicant 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. Having regard to the facts and circumstances of the case, particularly, the fact that the prosecutrix has not supported the case of the prosecution and has been declared hostile and the Applicant is in custody since 27.3.2017, 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