

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2126 of 2018

Dilip Kumar, S/o. Panchuram Nirmalkar, Aged About 28 Years, R/o- Village Dhurrabandha, P.S. Bhatapara (Gramin) District- Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through- P.S. Bhatapara (Gramin) District- Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.L. Dembra, Advocate.
For Respondent : Mr. Wasim Miyan, P. L.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

06/04/2018

1. This is the second 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. 34/2017 registered at Police Station- Bhatapara (Gramin) District Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 363,366,376 of the IPC, Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, a missing report of the prosecutrix was lodged by the parents against the applicant and she was recovered from the possession of the applicant. Therefore, the offence under Sections 363, 366, 376 of the IPC and 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 was registered.

3. Learned counsel for the applicant submits that the applicant is in jail since 31.03.2017 and he has completed one year term of custody. He submits that as per order of the trial Court Doctor and Police officials are to be examined, who are not the material witnesses of the case. He further submits that the material witnesses have not support the case of the prosecution, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and submits that the trial is still on.
5. Considering the fact that the only medial expert and police officials are to be examined who have assisted the prosecution after registration of the FIR and the material witnesses have not supported the case of the prosecution and further taking into consideration the fact that the appellant is in jail since 31.03.2017, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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/-
(Ram Prasanna Sharma)
Judge