

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2205 of 2018

- Rohit Alias Motu Alias Lalu S/o Babulal Khunte Aged About 35 Years R/o- Village Karmandih, Police Station City Kotwali, Balodabazar, District- Balodabazar Bhatapara, Chhattisgarh. Civil And Revenue District- Balodabazar Bhatapara., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station City Kotwali, Balodabazar, District- Balodabazar Bhatapara., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant : Ms. Supriya Upasane, Advocate.
For Respondent : Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

09/05/2018

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.90/2018, registered at Police Station– Baloda Bazar, District– Baloda Bazar Bhatapara(C.G.) for the offence punishable under Sections 363, 366 & 376 of Indian Penal Code (for short 'IPC') and Sections 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 12.2.2018. No case is made out against this applicant according to the prosecution case against him. The case is presently before the trial Court and the trial is likely to take some time before its conclusion.

Hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. Prosecutrix is aged 17 years and 7 months. It is alleged that this applicant allured the prosecutrix with false promise to marry her and abducted her. A named FIR was lodged by father of prosecutrix against this applicant. Subsequently when the prosecutrix was recovered on the basis of her statement offence has been registered against this applicant and the statement under Section 164 of CrPC has been recorded.
6. On perusal of the contents of the statement under Section 164 of CrPC, it appears that this is a fit case where the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on him 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 him appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge