

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.2385 of 2018**

Rustam Bhardwaj, S/o Ramayan Bhardwaj, aged about 19 years, R/o Pahanda, Police Station Baloda Bazar, District Baloda Bazar, Chhattisgarh

---- Applicant

versus

The State of Chhattisgarh through the Police Station Mujgahan, District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Malay Kumar Bhaduri, Advocate
For Respondent	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****2.5.2018**

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.5 of 2018 registered at Police Station Mujgahan, District Raipur for offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that the Applicant abducted a minor girl (the prosecutrix), aged about 17 years, having convinced her that he will marry her. It is further alleged that relying upon the Applicant, the prosecutrix went away with him. The Applicant thereafter committed forcible sexual intercourse with her. On a complaint, First Information Report has been registered and the Applicant has been arrested on 11.1.2018.

3. Learned Counsel appearing for the Applicant submits that the Applicant has falsely been implicated. There was a love relation between the prosecutrix and the Applicant. The prosecutrix herself had gone away along with the Applicant. In her statement recorded under Section 164 of the Code of Criminal Procedure also, the prosecutrix has stated that the Applicant had not taken her away forcibly and she herself had gone away with him and had stayed with him in his house.
4. Learned Counsel appearing for the Respondent/State opposes the bail application.
5. I have heard Learned Counsel appearing for the parties and perused the entire material available with due care.
6. Taking into consideration the facts and circumstances of the case, the evidence collected by the prosecution and that charge-sheet has been filed and the Applicant is in custody since 11.1.2018, I am inclined to enlarge him 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.25,000/- with one solvent surety in 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