

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2516 of 2018

Bhupendra Rajak, S/o. Bhagwat Rajak, Aged About 22 Years, R/o- Shankar Nagar, Ward No. 15, Chakarbhata, P.S.- Chakarbhata, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- P.S.- Chakarbhata, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Chitendra Singh, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11.05.2018

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.563/2017 registered at Police Station- Chakarbhata, District Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 4, 6 of POCSO Act.
2. As per the prosecution case, a report was made by the father of the prosecutrix that the prosecutrix was missing. Subsequently, the prosecutrix was found in the company of the present applicant and on enquiry it revealed that on the pretext of marriage, she was taken away from the lawful custody of her parents and was subjected to rape.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated, the prosecutrix was in love relation with the applicant and she herself had joined the applicant to go to different places and thereafter she came back. He further submits

that there is no allegation of rape attributed to the present applicant and no allurements has also been stated and the charge sheet in this case has been filed; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix wherein she had stated that she performed marriage with the applicant and in the statement under Section 161 & 164 also no allegation of rape has been attributed. Considering the statement and the medical report wherein no positive opinion has been given, 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/-
(Goutam Bhaduri)
Judge