

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3020 of 2018**

Shiva Kumar, S/o. Shri Joginder Khilvar, Aged About 20 Years, R/o. Village Adbandha, Thana Singa, Civil And Revenue District Baloda Bazar Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Thana Nandghat, District Bemetara Chhattisgarh.

---- Respondent

For Applicant	: Ms. Sharmila Singhai, Advocate
For State/respondent	: Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**19/06/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.89/2017, registered at Police Station – Nandghat, District – Bemetara (C.G.), for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 31.07.2017. Charge-sheet has been filed after completion of investigation and trial is still pending. No case is made out against this applicant according to the statement given by the prosecutrix under Section 164 of Cr.P.C. and also statement given by her before the Child Welfare Committee, hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, the age of the prosecutrix in this case is about 16 years and allegations against this applicant is this that he abducted the minor prosecutrix and exploited her sexually during the period she was kept in confinement with the applicant. Missing report was lodged on 30.03.2012, whereas, the prosecutrix was recovered on 30.07.2017 from the custody of this applicant. Hence, this case.
6. Considered on the submissions made and the contents of the case diary. Considering the statement of the prosecutrix recorded under Section 164 of Cr.P.C. and her statement before the Child Welfare Committee, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge