

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3093 of 2018**

- Ganesh S/o Jalandhar Soni Aged About 24 Years R/o Jhanda Chowk, Near Satnami Mandir, Pandri, Police Station Pandri, District Raipur, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Pandri, District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri PK Patel, Advocate
For Respondent /State	:	Shri SK Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26/06/2018**

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 on 01.12.2017 in connection with Crime No.404/2017 registered at Police Station Pandri, Civil and Revenue District Raipur (CG) for the offence punishable under Sections 456 & 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, it is alleged that on 01.12.2017 the applicant has committed forceful sexual intercourse with the prosecutrix, who was a minor and thereafter father of the prosecutrix has made a report.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and no allegations have been attributed to the present applicant. He further submits that the prosecutrix was in physical relation with the applicant and when the father of the prosecutrix saw them

in objectionable position the report was made, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case-diary, the statement of the prosecutrix given under Section 164 Cr.P.C. as also the medical report. The medical report do not show that forceful rape was committed. Considering the same and the statement of the prosecutrix, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri

Judge

Ashu