

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3832 of 2018**

Pradeep Verma Shri Santosh Verma, Aged About 22 Years R/o Village
Ninwa, P. S. And Tehsil And District Bemetara, Chhattisgarh., District :
Bemetara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate, District Bemetara,
Chhattisgarh., District : Bemetara, Chhattisgarh.

---- Respondent

For the Applicant : Shri A.C. Sahu, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.07.2018**

Heard.

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. 285 of 2017, registered at Police Station Bemetara, District Bemetara, Chhattisgarh for the offence punishable under Sections 363, 366 and 376/ 34 of the Indian Penal Code and Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 2.7.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix in this case has been examined

before the trial Court, she made a statement that she and the applicant had married and wants to lead married life with the applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the prosecutrix on the date of incident was nearly 17 years. Hence, for this reason, he is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. As per the case against the applicant, it is alleged that he abducted the minor prosecutrix and committed sexual intercourse with her without her willingness and consent. Hence, this case.

6. Considered the entire material present in the case-diary and also perused the certified copy of the statement of the prosecutrix before the concerned trial Court. After due consideration, I am of the considered opinion that the applicant deserves to be released on 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 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. In case any default is committed by the applicant/s in appearing

before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi