

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3643 of 2018

Rohit Kumar @ Gulshan Jangde, S/o. Late Ramprasad, Aged About 21 Years, R/o. Koni, P.S.- Koni, Tehsil And District- Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- S.H.O. Chowki Jutemill, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Adil Minhaj, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04.09.2018

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.336/2016 registered at Police Station- Chowki Jutemill, District Raigarh (C.G) for the offence punishable under Sections 363, 366, 366(A), 370, 376 of I.P.C. and under Section 4 & 6 of POCSO Act.
2. As per the prosecution case, the prosecutrix was found missing from 06.06.2016 and thereafter she surrendered on 23.04.2018 alongwith the present applicant and it is alleged that the present applicant enticed away the minor girl from the lawful custody of their parents and thereafter committed forceful sexual intercourse.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the statement of the prosecutrix given before the Court below under Section 164 of Cr.P.C. would show that she was married to the applicant and out of the wedlock they were having one child and

she was not enticed away by the applicant: 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 and the statement of the prosecutrix recorded under Section 164 of Cr.P.C. Considering the same, without any observation on merit, 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 each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge