

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3772 of 2018**

Ravi Chelak S/o Panchu Ram Chelak, Aged About 21 Years R/o
Village - Choubeybancha, Post Office And Police Station - Rajim,
District Gariyaband CG

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Rajim, District Gariyaband CG

---- Respondent

For applicant	Mr. Shivendu Pandya, Adv.
For Respondent/State	Ms. K. Tripti Rao, PL.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****3-7-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 267/2017 registered in police station Rajim, Distt. Gariyaband (CG) for offence punishable under Sections 363, 376(A) of the IPC and Section 4, 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Prosecution story in brief is that the date of birth of the prosecutrix is 15-2-2003. She is resident of village Chaube Bandha, Rajim. On 15-12-2017 at about 7 pm, the applicant took her away by enticing.
4. As per the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., she stated that she had gone away along with the applicant on her own wish and will. He had not taken her away by enticing. She did not say anything about sexual intercourse. Charge sheet has already been filed. The applicant is in custody since 26-1-2018.
5. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, applicant is in custody since 26-1-2018, charge sheet has been filed, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

Consequently, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 25,000/- along with one personal bond of the like sum to the satisfaction of the Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.

6. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge