

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4493 of 2018

- Vinod Mograj S/o Rajesh Mograj Aged About 20 Years R/o Seema Nagar, Kashiram Nagar, Raipur Tahsil & District Raipur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Telibandha Raipur District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Navin Shukla, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Rajendra Chandra Singh Samant

Order On Board

11/07/2018

1. Heard the matter finally.
2. 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. 542/2017, registered at Police Station – Telibandha, Raipur, District Raipur (C.G.), for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (in short 'the POSCO Act).
3. The allegation against the applicant is that he has abducted minor prosecutrix and committed rape on her, thereafter the offence has been registered against him.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The applicant is in jail since 09.01.2018, the charge-sheet has been filed. The prosecutrix has been examined before the trial Court and she has not supported

the case of the prosecution, therefore, the applicant may be enlarged on bail.

5. Learned State counsel opposes the application for grant of bail.
6. Heard counsel for the party and perused the case diary.
7. Considering the submissions, contents of the case diary and looking to the facts of this case and also considering the statement of the prosecutrix recorded before the trial Court and the applicant is in jail since 09.01.2018, I am of this view that it is a fit case where the applicant should be enlarged on bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. 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 in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
10. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge