

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4578 of 2018**

- Basant Sahu S/o Radheshyam Aged About 21 Years R/o- Village- Ghughsidih, Chowki- Machandur, Police Station- Utai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- The Incharge, Outpost- Machandur, Police Station- Utai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicants	: Mr. A.D. Kuldeep, Advocate
For State/respondent	: Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****30/07/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.197/2017, registered at Police-Outpost-Machandur, Police-Station-Utai, District-Durg(C.G.) for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Section 5(२), 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. He is in jail since 30.11.2017. No case is made out against him. The prosecutrix in this case is willing and consenting party in having physical relation with the applicant, hence, it is prayed that he may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to prosecution case, this applicant abducted the minor prosecutrix and took her to Dongargarh, where by keeping her in a place and had physical relation with the prosecutrix knowing well that the prosecutrix has not completed age of 18 years, hence, such physical relation amounts to offence of rape. Hence, this case.
6. After considering on all the material present in the case diary and also perused the certified copy of statement of the prosecutrix , I am of this view that this is a fit case where the applicant should be released on bail during the pendency of the case against him.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants shall be released on bail on his 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge