

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4659 of 2018**

Harish Karsh S/o Santu Karsh Aged About 24 Years R/o- Kamla Nagar,
Sarangarh, Tahsil- Sarangarh, District- Raigarh, Chhattisgarh, District :
Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station-
Sarangarh, District- Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Awadh Tripathi, Advocate.
For the Respondent/State	:	Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.07.2018**

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. 511 of 2017, registered at Police Station Sarangarh, District Raigarh, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 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 20.12.2017 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 applicant has married the prosecutrix who is

now a major girl and the witnesses who have been examined before the trial Court have not supported the prosecution case. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State oppose the bail application and the submissions made in this respect. It is submitted that on the date of incident, the prosecutrix was minor. Hence, he is not entitled for grant of regular bail.

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

5. According to the case against the applicant, the applicant abducted the minor prosecutrix and kept her in Delhi and other places where he constantly had physical relation with her. According to prosecution, the age of the prosecutrix was below 18 years on the date of incident. Hence, this case.

6. Considered the entire material present in the case-diary and perused the certified copy of the statement of the prosecutrix before the concerned trial Court, 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