

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5092 of 2018

Sabeet Bhaskar S/o Devkumar Bhaskar Aged About 19 Years R/o Village Pondi, Ward No. 9, Police Station Bodla, District Kabirdham Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Bodla, District Kabirdham Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Dharmesh Shrivastava, Advocate
For Respondent	:	Mrs. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/08/2018

1. This is the first bail applications 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.66/2018, registered at Police Station- Bodla, District – Kabirdham (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 3, 4 of Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 06.04.2018. No case is made out against him according to the material present in the charge-sheet. The prosecutrix has given statement under Section 164 of Cr.P.C. that she had willingly accompanied with the applicant and submitted to him with consent. Hence, it is prayed that the applicant may be enlarged on bail.
3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. The allegation against this applicant is this that he abducted the minor prosecutrix and subjected to offence of rape.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present on record and also considering the statement of the prosecutrix recorded under Section 164 of Cr.P.C. according to that she is in favour of marrying the applicant, hence after due consideration, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge