

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5122 of 2018**

Ramniwas Panika, S/o Hublal Panika Aged About 20 Years R/o Village- Raikoba, Police Station- Jaitpur, District- Shahdol, Madhya Pradesh.....(In Jail), District : Shahdol, Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh, Through- Police Station Janakpur, District- Korea-Baikunthpur, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Yogeshwar Sharma, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.08.2018**

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.34 of 2017, registered at Police Station – Janakpur, District Korea-Baikunthpur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(dha) of the Indian Penal Code, Sections 4 and 5 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(12), 3(2)(5) and 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 14.1.2018 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. It is also submitted that the age of the prosecutrix

had been above 18 years on the date of incident and she had been a consenting party. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the prosecutrix was about 16 years on the date of incident, hence, any consent given by her is immaterial. Hence, no case is made out for grant of regular bail to the applicant.

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

5. It is alleged that the applicant abducted the minor prosecutrix and then kept her with him for about two months having physical relation with her which amounts to commission of offence of rape. A missing report was lodged by the father of the prosecutrix and the prosecutrix was recovered from the custody of this applicant. On the basis of the statement given by the prosecutrix, the FIR was lodged by the father of the prosecutrix. Hence, this case.

6. Considered the entire material present in the case-diary and the prosecutrix had willingly accompanied the applicant. After considering all the facts and circumstances of this case and also looking to the pendency of the trial, 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

Nimmi