

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5718 of 2018**

Jogiram Chauhan S/o Late Sadh Ram Chauhan Aged About 50 Years R/o- Village- Jhingol P.S. Tamnar, District- Raigarh, Civil And Revenue District- Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station- Dharamjaigarh, Raigarh, District- Raigarh, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Ashutosh Mishra, Advocate
For the State	:	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**31/08/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 8/2018 registered at Police Station Dharamjaigarh, District Raigarh (C.G.) for the offence punishable under Sections 363, 366 A, 372, 511, 370 of IPC and Section 17 & 18 of the POCSO Act.
3. Case of the prosecution, in brief is that on 25/12/2017 prosecutrix was aged about 14 years and 4 months old. She is resident of village Rairumakhurd. On 25/12/2017 near about 9 p.m. accused Sushila @ Jobhiyain, Amar Sai @ Jabhiha, Hariram Chauhan taken away the prosecutrix and brought her their house where present applicant was present. Applicant taken away the prosecutrix in village Jhingol by motorcycle, thereafter they taken away the prosecutrix Atra (U.P.) for prostitution, they have tried to sale her.

4. Learned counsel for the applicant submits that applicant is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. As per the certified copy of the statement of the prosecutrix she had stated that accused had not committed anything with her. She had left her parent's house due to quarrel happening between her parents. She had gone to her maternal grand mother's house.
7. Looking to the above mentioned facts and circumstances of the case and as per the statement of the Govt. Advocate there is no antecedent, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs. 25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Court with the condition that he shall appear before the trial Court at 11.00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge