

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6813 of 2018

- Hemchand @ Chhotu S/o Anand Manhare, Aged About 21 Years, R/o Ward No.7, Rani Sagar Para, Palari, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Palari, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

----Non-applicant

For Applicant – Mr. C.R. Sahu and Ms. Sunita Sahu, Advocates.
For Non-applicant/State – Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-10-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His earlier bail application was disposed off as withdrawn. The applicant has been arrested on 09-05-2018 in connection with Crime No.501/2016 registered at P.S. - Baloda Bazar-Bhatapara, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix in this case is a consenting party which is reflected from the statement that has been given by her before the trial Court. The applicant is disputing age of the prosecutrix and is hopeful that he will establish that age of the prosecutrix is above 18 years, Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that age of the prosecutrix is merely 16 years, hence, no case is made out for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. It is alleged that the applicant abducted the minor prosecutrix and took her to Lucknow where by keeping her he continuously exploited her sexually which amounts to rape. Hence, this case.
6. After perusing the certified copy of the prosecutrix which has been filed along with the application and also for the reasons that the trial against this applicant is still pending and he is in jail since about 5 months, I am of the view that the applicant deserves to be granted regular bail.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge