

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7777 of 2018

Roshan Das, S/o. Lakhan Das Manikpuri, Aged about 19 years, R/o. Village Gondadih, Police Station Pachpedi, District Bilaspur, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through S.H.O -Kasdol, District Balodabazar, Bhatapara, Chhattisgarh

---- Respondent

For Applicant : Mr. Hemant Gupta, Advocate
For Respondent : Mr. Sanjeev Pandey, Govt. Advocate

Hon'ble Shri Justice Vimla Singh Kapoor.

Order On Board

31/10/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant who has been arrested in connection with Crime No. 210/2018 registered at Police Station- Kasdol, District Baloda Bazar, Bhatapara (C.G.) for the offence punishable under Sections 363,366,376 IPC and 4 of the Protection of Children from Sexual Offences Act, 2012,
2. As per prosecution case, on 13.05.2018 complainant Santosh Kumar lodged a missing report that his daughter was missing since 09.05.2018 and on the basis of missing report, the applicant was arrested and the prosecutrix was recovered from him.
3. Learned counsel for the applicant submits that the prosecutrix has been examined before the Court below and she has not supported the case of the prosecution. He further submits that there is no

previous antecedents against the applicant and he is in jail since 04.07.2018, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the facts and circumstances of the case and the fact that the prosecutrix has not supported the case of the prosecution and further taking into the fact that the applicant is in jail since 04.07.2018, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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.

Sd/-
(Vimla Singh Kapoor)
Judge

Jyotishi/ Santosh