

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6914 of 2017

- Surendra S/o Late Amarsai Gond, Aged About 23 Years, R/o Bhagwanpur, Police Station Janakpur, District Korea, Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police of Police Station Janakpur, District Korea, Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-01-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 07-07-2017 in connection with Crime No.50/2017 registered at P.S. Janakpur, District Korea, C.G. for the offence under Section 363, 366, 376(2)(6), 323 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material in the prosecution case. Further, the prosecutrix herself has turned hostile before the trial Court and not supported the case of prosecution. The applicant is in jail since 07-07-2017. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that the prosecutrix was

minor on the date of incident and there is evidence against the applicant about commission of offence in the prosecution case. Hence, he is not entitled for grant of bail.

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

5. The case against the applicant is this, that the applicant came to the house of the prosecutrix on July 2016 for the purpose of marriage negotiation and thereafter he expressed his love for her and by promising to marry her he took the prosecutrix with him who was minor at that time to her village. While keeping the prosecutrix in his village, on the pretext of performing marriage with her he had physical relationship with her on a number of times and thereafter the prosecutrix was driven out from his house on 30-04-2017 and thereafter the FIR was lodged on 07-05-2017.

6. Considered on the submissions made and contents of the case diary and also the certified copy of the deposition of the prosecutrix before the trial Court. On due consideration, I am of this view that this is a fit case where the applicant should be enlarged on bail.

8. Consequently, the application (MCRC No.6914/2017) filed under Section 439 of the Cr.P.C. by the applicant 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge