

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7402 of 2017**

Raju @ Laddu Gupta, S/o. Dwarika Gupta, Aged About 20 Years, R/o. Nawadih, Police Station -Trikunda, District -Balrampur -Ramanujganj, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through -The Police Station- Rajpur, District Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.N. Pandey, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**16/01/2018**

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.46/2016, registered at Police Station – Rajpur, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 363, 366, 376 (A) of Indian Penal Code and Section 5 & 6 of Protection of Child from Sexual Offences Act.
2. It is submitted by the learned counsel for 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 available on record of the prosecution case. Prosecutrix has been examined before the trial Court and she has turned hostile and have not supported the case of

the prosecution against this applicant. Applicant is in jail since 10.03.2016 and no progress has taken place in the trial against him, hence, it is prayed that the applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case against the applicant is this that the applicant abducted the minor prosecutrix from the legal guardianship and by keeping her in place in Ramanujganj he ravished her sexually, which amounts to offence of rape.
6. Considered the submissions made and the contents of the case diary and also perused the statement of the prosecutrix before the trial Court. Taking into consideration all the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge