

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7391 of 2017**

Arun Kumar Jangde, S/o. Shri Labhuram Jangde, Aged About 21 Years, R/o. Janjgiri, P.S. Anda, District Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Police Station : Anda, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. J.K. Shastri, Advocate

For Respondent/State : Mr. Ashok Swarnakar, 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.15/2017, registered at Police Station – Anda, District – Durg (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 6 of Protection of Children 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. The age of the prosecutrix is above 18 years.

The reliance of the prosecution is only the school register, which is not authentic and reliable. On the other hand, the applicant and the prosecutrix are in love affair and the prosecutrix has given clear statement in favour of the applicant before the police, therefore, it is prayed that the applicant be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the prsoecutrix had been 16 years, hence, the offence of abduction and rape is made out, therefore, the applicant may not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution in brief is that the prosecutrix went missing on 12.02.2017. The father of the prosecutrix lodged a missing report on 13.02.2017 and FIR was lodged on the same day registering offence under Section 363 of I.P.C.. The prosecutrix was recovered on 14.02.2017 from the house of the applicant and thereafter, the case has been investigated and charge-sheet has been filed.
6. Considered the submissions made and the contents of the case diary. Taking into consideration the statement of the prosecutrix recorded under Section 164 of Cr.P.C., 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

Balram