

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7801 of 2018

- Ambar Raotiya S/o Banshi Lal Raotiya Aged About 22 Years R/o Daripara, Purani Basti Kharsiya, Thana Kharsiya, District Raigarh, CG.

---- Applicant.

Versus

- State of Chhattisgarh through Police Station Kharsiya, District Raigarh, CG.

----Non-applicant

For Applicant : Mr. Akhand Pratap, Advocate
For Respondent/State : Mrs. M. Aasha, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

31/10/2018

1. Heard on I.A. No. 01/2018 for taking document on record.
2. For the reasons stated in the application, it is allowed and the documents are taken on record.
3. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of bail as he is in custody since 15.03.2018 in connection with Crime No. 155/2018 registered at Police Station Kharsiya, District Raigarh, for the offences punishable under Sections 376(2)(k)(n), 506, 493 IPC and 6 of POCSO & 3(1)(w)(ii), 3(2)(v) of Schedule Caste & Schedule Tribes (Prevention of Atrocities) Act.
4. As per the prosecution case, the applicant had psychical relation with the prosecutrix on the assurance of marriage and when she persistently requested for the same, he refused for that which led to this report being made by her.

5. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the crime in question and therefore, he may be released on bail.
6. On the other hand, State counsel opposes the bail application.
7. I have heard learned counsel for the parties and perused the record.
8. Considering the totality of the facts and circumstances of the case, the fact that the challan has been filed and the applicant is in jail since 15.03.2018, without further commenting on merits of the case, this Court is of the considered opinion that it is a fit case to release the applicant on bail.
9. Accordingly, the application is allowed and the accused/applicant is directed to be released on bail on his furnishing a personal bond of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance before the said Court as and when directed.

CC as per rules.

Sd/-
(Vimla Singh Kapoor)
Judge