

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 7823 of 2017

- Manoj Kushwaha S/o Mahesh Kushwaha, Aged About 19 Years R/o Village Sarna, Pandey Para Police Station Raghunathnagar, District Balrampur Ramanujganj Chhattisgarh Address Wrongly Mentioned In Impugned Order, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For the Petitioner : Shri A. K. Yadav, Advocate.

For the Respondent/State : Shri Ashok Swarnakar, PL

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22.02.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 38/2017, registered at Police Station – Raghunathnagar, District – Balrampur Ramanujganj, (C.G), for the offences under Sections 363, 366, 376 (2)n of the Indian Penal Code,

under Section 5 (1) / 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 18.05.2017. According to the statement under Section 164 of Cr.P.C., and the statement before the trial Court of the prosecutrix, no case is made out against the present applicant, The trial is likely to take some time for its completion. In these circumstances, the applicant be released on bail.
3. Learned counsel for the State opposes the bail application and the submissions made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. According to the case of prosecution, the prosecutrix and the present applicant both had love affair. The applicant on the pretext of marrying the prosecutrix, committed sexual intercourse with her twice prior to the date of incident. On the date of incident the prosecutrix eloped with the present applicant. Brother of the prosecutrix lodged FIR against this applicant. Prosecutrix was recovered from the custody of the present applicant. After completion of investigation the charge sheet has been filed.
6. Considered the submission made and the contents of the case diary, perused the certified copy of the statement of prosecutrix attach with the application, on that basis, I am of the view that it is a fit case where the applicant is entitled for grant of bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on 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 /-

(Rajendra Chandra Singh Samant)

Judge

Jamal