

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7676 of 2017**

Ravindra @ Raja Barman, S/o. Shri Dukalu Barman, Aged About 21 Years,
R/o. Village -Limhi, Police Station -Takhatpur, District -Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, P.S.-Takhatpur,
District -Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Achyut Tiwari, Advocate

For Respondent/State : Mr. Aaditya Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**23/02/2018**

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.27/2016, registered at Police Station – Takhatpur, District – Bilaspur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section Section 4, 6 of Protection of Children from Sexual Offence Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 15.06.2017. Prosecutrix has been examined before the trial

Court and she has turned hostile and not supported the case of the prosecution, hence, under these circumstances, it is prayed that the applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the age of the prosecutrix on the date of incident was about 14 years according to the entry in the school register, hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Brief facts of the case are that the prosecutrix went missing on 17.01.2017. FIR was lodged by the brother of the prosecutrix against unknown person for which offence under Section 363 of I.P.C. was registered. Later on prosecutrix was recovered on 15.06.2017 from the custody of this applicant. Subsequent to that, charge-sheet has been filed after completion of investigation.
6. Considered the submissions made and the contents of the case diary. Considering the entire material present in the case diary and also perused the certified copy of the deposition sheet, it is to be noticed that prosecutrix has turned hostile and not supported the case of the prosecution before the trial Court, hence for this reason, 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