

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7860 of 2017**

Bihari Ram S/o Kheju Ram Wrongly Mentioned Khaiju In The Impugned Order Aged About 18 Years, Occupation Student, R/o Village Jawahar Nagar, Police Station Balrampur, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri V.K. Pandey, Advocate.
For the Respondent/State : Ms. K. Tripti Rao, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.03.2018**

Heard.

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.79 of 2017, registered at Police Station – Balrampur, District – Balrampur, Ramanujganj, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 5.6.2017 and he has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The

prosecutrix has been examined before the trial Court; she turned hostile and has not made any allegation against the applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the age of the prosecutrix on the date of incident was 13 years according to the evidence present in the case-diary. Hence, looking to the evidence, the applicant is not entitled for grant of regular bail.

4. Heard counsel for both the parties and perused the case diary.

5. The case against the applicant is that the applicant allured the minor prosecutrix with a promise to marry her and abducted her. Thereafter, he committed rape with the prosecutrix on various occasions in different places where both of them stayed for sometime. FIR was lodged by the father of the prosecutrix. Subsequent to that, the prosecutrix was recovered from the custody of this applicant. Hence, this case.

6. Considering the entire material present in the charge-sheet and also perusing the statement of the prosecutrix before the trial Court in which she turned hostile totally without supporting the prosecution case, I am of the considered view that in this case the applicant deserves to be enlarged on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge