

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8105 of 2018**

Asharam, S/o. Natthu Gond, Aged About 20 Years, R/o. Village- Baloda Sabariya Dera, Police Station- Gidhouri, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station- Gidhouri, District- Balodabazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. C.R. Sahu, Advocate
 For Respondent : Mr. Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****31/10/2018**

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.140/2018, registered at Police Station- Gidhouri, District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 17/18, 04 of Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 02.07.2018. No case is made out against him according to the material present in the

charge-sheet. The prosecutrix has been examined before the trial Court and she clearly made statement that no offence has been committed by this applicant. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. It is alleged that this applicant abducted the minor prosecutrix and then he has raped her. Hence, this case.
6. After perusing the certified copy of the deposition of the prosecutrix filed along with this application, 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 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge