

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3433 of 2019

Shrawan Agariya, S/o. Shri Ransai, Aged About 22 Years, R/o. Village Sarma (Indira Awas), Police Station Pasan, District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Pasan, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Nitesh Shrivastava, Advocate

For Respondent/State : Mr. Shubhash Yadav, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/07/2019

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.21/2019, registered at Police Station – Pasan, District – Korba (C.G.) for the offence punishable under Section 363, 366, 376 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 12.03.2019. No case is made out on the basis of the statement given by the prosecutrix under Section 164 of Cr.P.C. Therefore, 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 submissions made in this respect.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the FIR lodged, this applicant abducted the minor prosecutrix and took her to a place in Amarkantak where keeping her in custody he exploited her sexually on number of occasions.
6. Considered on the submissions made and the contents of the case diary. On perusal of the statement of the prosecutrix under Section 164 of Cr.P.C., 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