

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3461 of 2019

- Ambikash @ Ganesh S/o Rajendra @ Turru, Aged About 21 Years, R/o Bataikela Ghodapara, Police Station Sitapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sitapur, District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Shri Nishi Kant Sinha, Advocate.

For Non-applicant/State – Shrio Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-08-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 03-04-2019 in connection with Crime No.36/2019 registered at P.S. - Sitapur, District – Surguja, Chhattisgarh for the offence under Section 363, 366, 376 of IPC and 5L, and 6 of POCSO Act, 2012.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 03-04-2019. No case is made out against the applicant. The prosecutrix in this case was of age above 18 years and she was a consenting party. Therefore, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that according to the evidence present, the prosecutrix is a minor girl. Hence, no case is made out for grant of bail.
4. Informant Smt. Sarita is present before this Court. She has made statement that she has no objection for grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. As per the prosecution case, the applicant abducted the minor prosecutrix of age about 17 years and thereafter he took her to Dehradun where he established physical relation with her. The prosecutrix is minor, therefore, this act of the applicant amounts to offence of rape.

7. After considering on the evidence present in the case diary and also on the statement given by the informant herself, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge