

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3874 of 2019

Lomesh Netam, S/o. Late Panchram Netam, Aged About 25 Years, R/o. Hanaiband, Gandai, District- Rajnandgaon, Chhattisgarh, Presently Residing At Gopal Nagar, Gudhyari, Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Gudhiyari, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. C.R. Sahu, Advocate

For Respondent/State : Mr. Lav Sharma, P.L.

For complainant : Mr. S.P. Sahu, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/07/2019

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.182/2018, registered at Police Station – Gudiyari, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 of the 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. No case is made out against the applicant. The applicant is in jail since 16.05.2019. The

prosecutrix in this case is a major girl and further the applicant and the prosecutrix both have married to each other and are having a child. This application for grant of bail has been filed by the prosecutrix herself representing as wife of the applicant and she has also filed an affidavit in support of the same. 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. The prosecutrix is present in person along with Mr. S.P. Sahu Advocate. She has made statement that she has married with the applicant and does not want to prosecute in this case, hence, the application be allowed.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then he committed the offence of rape with her.
7. Considered on the submissions made and the contents of the case diary. After considering the fact that the prosecutrix herself has no objection and there is circumstances which has developed, that the applicant and the prosecutrix are both married and having a child, 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.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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