

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5024 of 2019**

Gadesh Kumar Ram S/o Nandlal Ram Aged About 26 Years R/o Village
Pilkhin Tahsil Dholisakara, Tahsil And District - Muzaffarpur (Bihar)

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station -
Tumgaon, District - Mahasamund Chhattisgarh.

---- Respondent

For the Applicant : Shri Vikash Pradhan, Advocate.
For the Respondent/State : Shri Neeraj Pradhan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.08.2019**

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.136 of 2017, registered at Police Station – Tumgaon, District – Mahasamund, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 18.6.2019 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix has not supported the prosecution case in her statement under Section 164 of the Cr.P.C. and also she had filed an affidavit before the Court below making a statement of no objection for grant of bail to the applicant which has not been considered. Hence, it is

prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

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

5. According to the prosecution case, on the date of incident, the minor prosecutrix was abducted by this applicant and taken to places where she was exploited sexually on several occasions. Hence, this case.

6. On perusal of the statement of the prosecutrix under Section 164 of the Cr.P.C. and an affidavit filed by her before the Court below stating that she has no objection if the applicant is granted regular bail, I feel inclined to grant bail to the applicant in this case.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)

Judge