

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6303 of 2019**

- Biju Patikar S/o Kanhu Patikar Aged About 23 Years R/o Village Ludupali, P. S. Ambabhauna, District Bargarh Odisha.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sariya, District Raigarh Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Manoj Kumar Jaiswal, Advocate.
For Respondent	:	Mr. B.L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****08/11/2019**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 111/2019 registered at Police Station - Sariya, District Raigarh (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 & 6 of the Protection of Children From Sexual Offences Act, 2012.
- The prosecution story in brief is that, on 06.08.2019 at about 10.30 AM, the applicant kidnapped the prosecutrix and outraged her modesty. After investigation offence has been registered against the applicant and was arrested on 09.08.2019.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. Charge-sheet has already been filed. He further submits that the age of prosecutrix is 17 years 6 months and in her statement recorded under Section 164 Cr.P.C. she has not

supported the prosecution case. Applicant is jail since 09.08.2019, there is no previous antecedent against him, therefore, the present applicant may be released on bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, further considering the fact that the prosecutrix has not supported in her statement recorded under Section 164 Cr.P.C. and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge