

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4551 of 2020

- Budhram Kashyap, S/o Butiram Kashyap, Aged About 21 Years, Residing At Village Badlawand Awaspara Chowki-Bakawand, District-Bastar, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through: The Police Station-Bodhghat, District-Bastar Chhattisgarh.

---- Respondent /Non-applicant

For Applicant	: Mr. P.K. Tulsyan, Advocate.
For State/respondent	: Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/08/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.311/2019 registered at Police Station- Bodhghat, District- Bastar (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 6 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. The applicant is in jail since 13.12.2019. No case is made out against the applicant. The prosecutrix has been examined before the trial Court. According to her statement, no case is made out regarding the commission of offence of rape, therefore, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that looking to the evidence present in the case diary, no case is made out for grant of bail to the applicant.
4. The notice issued to the complainant in compliance with Section 439(1A) of CrPC has been returned received, but there is no appearance and no representation.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix on pretext of marrying her and then he has exploited her sexually and committed the offence of rape with her.
7. Considered on the submissions and also perused the certified copy of deposition of the prosecutrix filed along with the application and after due consideration, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge