

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1124 of 2021**

Ajay Goswami, S/o. Shri Santan Giri Goswami, aged about 19 years, R/o. - Uraon Mohalla Sarwani, Kharsia, Police Station – Kharsia and District Raigarh Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through - S.H.O. of The Police Station - Kharsia, and District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Abhishek Saraf, Advocate

For Respondent/State : Mrs. Binu Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/03/2021

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.488/2020, registered at Police Station – Kharsia, District – Raigarh (C.G.) for the offence punishable under Section 363, 366 of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The statement of the

prosecutrix under Section 161 and 164 of Cr.P.C. do not reveal any commission of offence. Hence, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix was minor, therefore, the offence of abduction of the victim, who is the member of scheduled tribe against this applicant, is made out, therefore, the applicant is not entitled for grant of bail.
4. Notice had been returned served upon the complainant but there is no appearance and representation.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Case of the prosecution is this that the prosecutrix was about 17 years and five months went missing. After lodging of missing report, on search, she was recovered from the custody of this applicant, subsequent to which, the offences have been registered against this applicant.
7. Considered on the submissions. Perused the copy of the statement of the prosecutrix under Section 164 of Cr.P.C. Considering the facts and circumstances of the case and the statement of the prosecutrix, 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