

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7165 of 2021**

Ashok Ram @ Kirchan S/o Narayan Aged About 23 Years R/o
Village - Peeparsot, P.S. Balrampur, District - Balrampur -
Ramanujganj (Chhattisgarh). --- **Applicant**

Versus

State of Chhattisgarh Through - Police Chouki - Ganesh Mod,
Police Station - Balrampur, District Balrampur - Ramanujganj
(Chhattisgarh). --- **Respondent**

For the applicant : Mr. Sanjay Kumar Yadav and Mr.
Vikash Pandey, Advocates

For the Respondent : Mr. Ashutosh Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board**10.12.2021**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 43/2021 registered at Police Station Balrampur, District Balrampur Ramanujganj (C.G) for the offences punishable under Sections 363, 366, 376(2)(n) of Indian Penal Code and Section 4, 6, 9(1) of POCSO Act, 2012.
2. As per the prosecution case, a report was lodged by the father of the victim on 20.02.2021 that his daughter went to appear in practical examination in the school and did not come back and it was alleged that she was enticed away by some person from their lawful custody. The girl was found on 03.03.2021 and on investigation it was revealed that the present applicant has sexually exploited the victim as she

was minor, thereby the offence has been committed.

3. Learned counsel for the applicant submits that the victim has been examined before the Court below and she has not supported the case of prosecution, therefore, the applicant be released on bail.
4. When the matter was taken up on 26.10.2021 the victim appeared along with her father through Video Conferencing from DLSA, Balrampur and submitted that bail may be granted to the applicant.
5. Per contra, learned State Counsel opposes the bail application. .
6. Perused the statement of prosecutrix which shows that she has not all supported the case of prosecution and when the victim and her father appeared through Video Conferencing on 26.10.2021, they have supported the fact that the bail may be grant to the applicant. Considering such statements, without any observation on merits of the case, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**