

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8791 of 2020**

Mukesh Ogare, S/o. Puneetram Ogare, aged about 20 years, R/o. Village Kodapar, Police Station Kharora, Thasil Arang, District Raipur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station Tumgaon, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	: Mr. Mayank Chandrakar, Advocate
For Respondent/State	: Mr. Kunal Das, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****11/01/2021**

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.137/2020, registered at Police Station –Tumgaon, District – Mahasamund (C.G.) for the offence punishable under Section 363, 366 & 376 of the Indian Penal Code and Section 4 & 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. No such incident has occurred regarding which, allegation is made in the prosecution case. The applicant is in jail since 17.10.2020. Hence, it is prayed that the applicant be granted 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 clearly a minor girl and that she has clearly stated in her statement in the investigation alleging about the incident of rape committed by the applicant. Therefore, no case is made out against the applicant.

4. The prosecutrix and complainant Rajeev Jangade both are present on notice, who have stated about their no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The case of the prosecution is this that this applicant abducted the minor prosecutrix of age 15 years and 9 months and then by keeping her in his custody, he has exploited her sexually.
7. Considered on the submissions and the facts of the case and also the statement that has been given by the complainant side and on this basis, 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