

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.286 of 2017

- Arjun Dewangan S/o Ramprasad @ Bhadva Dewangan Aged About 21 Years Caste- Panika, R/o Village- Kaskela, Thana- Jay Nagar, District- Surajpur, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Bhatgaon , District- Surajpur, Chhattisgarh.

---- **Respondent**

For Petitioner	:	Shri Sachin Singh Rajput, Advocate
For Respondent/State	:	Shri D. R. Minz, Dy.GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

25/01/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.232/2016 registered at Police Station Bhatgaon, District Surajpur for the offence punishable under Section 363, 366, 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant kidnapped and thereafter, committed rape on the prosecutrix.

4. Learned counsel for the applicant submits that he has been falsely implicated as he has done nothing. He submits that during investigation, statement of the prosecutrix was recorded under Section 164 Cr.P.C. by the Magistrate, in which, she has not involved the applicant in the alleged act.

5. On the other hand, learned State counsel opposed the prayer for grant of bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix recorded under Section 164 of Cr.P.C. before the Magistrate, in which, she has not made any specific allegation of having been committed sexual intercourse by the applicant, the application is allowed.

7. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

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