

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3123 of 2017

- Namdev S/o Apnaram, Aged About 22 Years Caste Gond, R/o Village Sulounikala, Outpost Bhatgaon, Police Station Bilaigarh, District Baloda Bazar Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Hasoud, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ishwar Jaiswal, Advocate

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Rajendra Chandra Singh Samant

Order On Board

21/11/2017

1. Heard the matter finally.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 13/2017, registered at Police Station – Hasoud, District Janjgir Champa, (C.G.), for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POSCO).
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the offence of rape was not committed by the applicant and he is in jail since 18.01.2017. In the statement before police under Section 161 Cr.P.C. and before the Court of Judicial Magistrate First Class under Section 164 of Cr.P.C. the prosecutrix has not stated anything adverse against the applicant. Hence, the applicant is entitled for grant of bail.

4. Learned State counsel opposes the bail application and the submission made in this respect. It is submitted that there is clear and categorical statements of the witnesses against the applicant and he is not entitled for grant of bail.
5. Heard counsel for the party and perused the case diary.
6. The facts of the case are that the applicant on the pretext of marriage, had physical relationship with the prosecutrix, aged about 15 years and has exploited sexually. After lodging of the missing report, the police investigated the matter and recovered the prosecutrix from the possession of the applicant and the offence was registered against the applicant.
7. Considering the submission and contents of the case diary and looking to the facts of this case, I am of view that it is a fit case where the applicant is entitled for grant of bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with on surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge