

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3587 of 2017

- Rakesh Kumar Verma S/o Jairam Verma, Aged About 18 Years 10 Months, Student Of B.S.C. Part 1 (Biotech) Govt. Dijvijay College, Rajnandgaon, Chhattisgarh, R/o Village Barchatola, Police Station O.P. Chichola, Tehsil Churria, District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, O.P. Chichola, Police Station Chhuria, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. S.S. Baghel, Advocate
For Respondent/State	:	Mr. O.P. Sahu, Government Advocate.

Hon'ble Shri Rajendra Chandra Singh Samant

Order On Board

22/11/2017

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. 50/2017, registered at Police Station – O.P. Chichola, Chhuria (C.G.), for the offence punishable under Sections 363, 376 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 (in short 'the POSCO Act).
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Earlier the complainant had

lodged FIR against the applicant alleging that offence of rape was committed by the applicant against her. At that time the applicant was a juvenile, hence, the case was tried against him before the Juvenile Justice Board. The prosecutrix while examination before the said Court had turned hostile. Subsequently, when the complainant attained the majority, she has again lodged FIR wherein the prosecutrix has made similar allegation against him, which is totally concocted and false. The applicant is in jail since 14.04.2017, he is a student of B.Sc. first years. The applicant shall abide by the conditions to be imposed on grant of bail.

4. Learned counsel for the State opposes the bail application and submission made. It is submitted that the allegation by the prosecutrix against him in FIR are categorical and further the age of prosecutrix on the date of incident was 17 years 3 month and therefore commission of offence is clearly made out against the applicant. Hence, he is not entitled for grant on bail.
5. Heard counsel for the party and perused the case diary.
6. The facts of the case are these that the prosecutrix had to return some books to which went to the resident of applicant on the date of incident, she was caught hold by the applicant and the applicant committed rape with her. The age of the prosecutrix on that date was below 18 years. Thereafter the offence was registered.
7. Considering the submission and contents of the case diary and looking to the facts of this case, also taking into consideration the certified copy of the statement of prosecutrix before the Juvenile Justice Board, I am of this 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 one 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