

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 671 of 2018**

Pravin Kumar Khurana, S/o. Gangaram Khurana, Aged About 18 Years, R/o. Village Bhinoud, P. S. Sarsiva, District -Baloda Bazar- Bhatapara Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through S.H.O. Sarsiva, District -Balodabazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Hemant Gupta, Advocate

For State/respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**27/03/2018**

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.190/2017, registered at Police Station – Sarsiva, Baloda - Bazar, District – Baloda-Bazar – Bhatapara (C.G.), for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix who

was recovered on 29.07.2017, gave her statement under Section 161 of Cr.P.C. that no offence has been committed by this applicant and similar statement of the prosecutrix was recorded on 31.07.2017 by the Judicial Magistrate First Class. Later on in recording supplementary statement on 05.08.2017, the false allegation has been made by the prosecutrix against this applicant and on that basis the offence have been registered against this applicant. Hence, prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, a minor girl of 14 years age went missing on 25.07.2017. After lodging of missing report she was recovered on 29.07.2017 from the custody of this applicant. Subsequent to that first statement was recorded on 29.07.2017 then statement under Section 164 of CR.P.C. was recorded on 31.07.2017 and lastly supplementary statement under Section 161 of Cr.P.C. was recorded on 05.08.2017 and the last statement of 05.08.2017 is the base of the prosecution case.
6. Considered on the submissions made and the contents of the case diary. Further considering the gradual change in the statement made by the prosecutrix in her three different statements, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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

Balram