

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 982 of 2018

- Raj @ Pappu Baghel @ Khilendra S/o Lakhan Lal Baghel, Aged About 19 Years, R/o Bhansoj Azad Chowk, Mandir Hasoud, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Thana Incharge, Police Station Vidhan Sabha Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Smt. Fouzia Mirza, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-04-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 26-04-2017 in connection with Crime No.63/2017 registered at P.S. Vidhan Sabha Raipur, District Raipur, Chhattisgarh for the offence under Section 363, 354(a), 376(2) of the IPC and Section 4 of POCSO Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant himself is a boy of tender age and he is in jail since 26-04-2017. Charge sheet has been filed after completion of the investigation. The prosecutrix has deposed before the trial Court, in which, she has given statement of a different version, according to which, the only offence made out against this applicant is under Section 363 of the IPC. Hence, on the basis of this development, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that age of the prosecutrix on the date of incident was merely 15

years, hence, clear case is made out against the applicant regarding the offences registered against him. Hence, the application may be rejected.

4. Heard learned counsel for both the parties and perused the case diary.

5. According to the prosecution case, the applicant abducted the minor prosecutrix of age 15 years on 18-03-2017 and thereafter he committed rape with her. On 19-03-2017 the prosecutrix appeared and lodged the FIR in the police station. Hence, this case.

6. Considered on the entire material present in the case diary and also perused certified copy of statement of the prosecutrix given before the trial Court. There appears to be some change in version of the prosecutrix statement compared to her earlier statement recorded under Section 161 of the Cr.P.C. Hence, looking to the change in circumstances that has taken place and also that the trial against this applicant is still pending before the trial Court, I am of this view that the application filed by the applicant for grant of regular bail deserves to be allowed.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge