

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1300 of 2018

- Durgesh Bargaha S/o Ramdev Bargaha, Aged About 23 Years, R/o.- Jamgaon, PS Darima, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through the Station House Officer, Police Station Lakhanpur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Jitendra Shrivastava, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-04-2018

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 27-10-2017 in connection with Crime No.178/2017 registered at P.S. - Lakhanpur, District- Surguja, Chhattisgarh for the offence under Section 363, 366, 376, 376(2)(ढ) of the IPC and Section 4, 6, 5 (ढ) of POCSO Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 27-10-2017. No case is made out against him, according to the material present in the investigation itself. The prosecutrix in her statement under Section 164 of the Cr.P.C. has clearly stated that no offence has been committed by this applicant. Presently the case is before the trial Court. Hence, it is prayed that the applicant may be released on bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, on 20-10-2017 the minor prosecutrix went missing. On 26-10-2017 father of the prosecutrix lodged the FIR naming the applicant as accused and on that basis the offences were registered against him. The prosecutrix was recovered from the house of this applicant on 27-10-2017. Thereafter, the statement of the prosecutrix was recorded and on that basis offence of rape has been added in this case.

6. Considered on the material present in the case diary. Statement under Section 164 of the Cr.P.C. appears to be in favour of the applicant, hence, in these circumstances, I am of this view that this applicant should be released on bail during pendency of the trial against him.

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