

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1753 of 2018**

Suraj @ Lalinder Vishwakarma S/o Shri Sakhiram Aged About 24 Years R/o Pandari Pani, Police Station Kunkuri, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Sitapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Shri P.K. Patel, Advocate.
For the Respondent/State : Ms. K. Tripti Rao, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.04.2018**

Heard.

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.36 of 2017, registered at Police Station Sitapur, District – Surguja, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(N) of the Indian Penal Code and Section 5(L) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 20.2.2017 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. According to the prosecution case, the prosecutrix has given a statement under Section 164 of the Cr.P.C. which is totally contradictory to the statement under

Section 161 of the Cr.P.C. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

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

5. According to the prosecution case, the applicant allured the prosecutrix with false promise of marrying her and exploited her sexually from 14.2.2017. FIR was lodged by the father of the prosecutrix against this applicant. Hence, this case.

6. Considered the contents of the case-diary and also perused the statement under Section 161 of the Cr.P.C. given by the prosecutrix which speaks a different story. Hence, for this reason, I am of the considered opinion that the applicant deserves to be released on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge