

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2903 of 2018

- Daniram Tandiya, S/o Gopiram Tandiya, aged about 41 years, R/o Village Karmodi, Tehsil and Police Station Bhanupratappur, Distt. Kanker (CG)

---- Applicant (In Jail)

Versus

- State Of Chhattisgarh, Through The Police Of Police Station- Narayanpur, District : Narayanpur (CG)

---- Respondent

For Applicant	:	Mr. Abhishek Pandey, Advocate
For Respondent	:	Mr. Arun Sao, Dy. Advocate General.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/05/2018

1. This is the first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested on 21.11.2017 in connection with Crime No.171/2017 registered at Police Station Narayanpur, District Narayanpur (CG) for the offence punishable under Sections 363 & 376 of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 14.11.2017 present applicant enticed away the minor prosecutrix from the lawful custody of her parents and thereafter committed sexual intercourse with her against her wish.
3. Learned counsel for the applicant submits that the applicant is innocent

and has been falsely implicated in the offence. He further submits that in the statement recorded under Section 164 of Cr.P.C. the prosecutrix has flatly refused the entire prosecution case and has denied the commission of any such alleged offence with her. Hence, he prayed that the applicant may be released on regular bail.

4. On the other hand, learned State Counsel opposes the prayer for grant of bail.
5. Perused the statement of prosecutrix recorded under Section 164 of CrPC. It appears that the prosecutrix has completely disowns the allegation levelled in the FIR.
6. Taking into consideration the statement of the prosecutrix recorded under Section 164 of CrPC, the fact that applicant is in custody since 21.11.2017 and that conclusion of trial is likely to take time, but without commenting anything on the merits of case, I am inclined to release the applicant on regular bail.
7. Accordingly, it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the trial Court concerned. He is directed to appear before the trial Court concerned on each and every date given by the said Court.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

roshan/-