

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3800 of 2018**

- Sampat Verma S/o Ghanshayam Verma Aged About 36 Years
Caste- Lodhi, R/o- Village Peti, Outpost- Jalbandha, Tehsil
And P.S. Khairagarh, District- Rajnandgaon, Chhattisgarh.,
District : Rajnandgaon, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- The Outpost- Jalbandha, P.S.
Khairagarh, District- Rajnandgaon, Chhattisgarh., District :
Rajnandgaon,

---- Respondent

For the applicant : Mr. Rakesh Pandey, Advocate.
For the respondent/State: Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma
Order on Board

26-6-2018.

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 374 of 2017 registered at Outpost Jalbandha, Police Station Khairagarh (CG), for the offence punishable under Sections 341, 363, 366, 376, 506 of the IPC and Sections 4, 6, 8, 10 and 12 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that while the prosecutrix was returning to home from the School, the applicant stopped her on the way and lifted her in a Car and gave water to drink and when she became unconscious, he committed rape on the prosecutrix and thereby committed offence.
3. Learned counsel appearing for the applicant would submit that the date of incident is 7.12.2017 and the statement of the prosecutrix under Section 161 Cr.P.C. is recorded on

8.12.2017, in which the applicant was not named and in that statement 2 unknown persons were shown as culprit. He further submits that again on 14.12.2017 statement of the prosecutrix was recorded under Section 164 Cr.P.C. in which she has stated that 4 persons kidnapped her in a Car but in this statement also she has not named the present applicant and after 5 months of the incident i.e. on 3.5.2018, she named the present applicant which is false one. He submits that considering the different statements of the prosecutrix, the applicant may be released on bail.

4. On the other hand, learned State counsel opposes the application for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the submission of learned counsel for the parties and the different statements of the prosecutrix recorded under Sections 161 and 164 Cr.P.C., without further commenting on merits of the case, I am of the opinion that present is a fit case to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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 local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules

Sd/

(Ram Prasanna Sharma)
JUDGE