

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4853 of 2018**

Rajudas Diwakar S/o Tilakdas Diwakar Aged About 25 Years R/o Dr. Rajendra Prasad Nagar, Telha Naka, Khursipar, Police Station Khursipar, District Durg, Chhattisgarh, District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Khursipar, District Durg, Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Aditya Khare, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****31.07.2018**

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. 97 of 2016, registered at Police Station Khursipar, District Durg, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 5 & 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 7.2.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix has been examined and she has not made any adverse statement under Section 164 of the Cr.P.C. against the applicant. The prosecutrix has not supported the case of the prosecution

before the trial Court. 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. The allegation against the applicant is that he abducted the minor prosecutrix aged about 16 years and then committed the offence of rape with her.

6. Considering the material present in the case-diary and also perusing the certified copy of the deposition of the prosecutrix before the trial Court, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of regular 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 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge