

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6121 of 2018**

Digvijay Garg @ Diggi Satnami S/o Khelan Das Aged About 20 Years R/o-
Jhanki, P.S.- Nawagarh, District- Bemetara, Chhattisgarh., District :
Bemetara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- SHO, P.S.- City Kotwali, District- Mungeli,
Chhattisgarh., District : Mungeli, Chhattisgarh.

---- Respondent

For the Applicant : Shri H.S. Ahluwalia, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.09.2018**

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.225 of 2018, registered at Police Station – City Kotwali, District Mungeli, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 2.7.2018 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 not given any adverse statement under Section 164 of the Cr.P.C. against the applicant. 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 case against the applicant is that the applicant abducted the minor prosecutrix aged about 15 years 8 months from her lawful guardianship took her to different places and committed the offence of rape with her. A missing report was lodged by the mother of the prosecutrix and thereafter, the prosecutrix was recovered from the custody of the applicant. Hence, this case.

6. On perusal of the statement of the prosecutrix under Section 164 of the Cr.P.C., it appears that the prosecutrix has omitted to make the statement of commission of offence of rape by the applicant. Hence, after due consideration, I am of the 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. 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

Nimmi