

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6632 of 2018**

Dinesh Kujur S/o Deepna Kujur Aged About 22 Years R/o Village-
Petel(Lahupani) P.S.- Sitapur District- Surguja, Chhattisgarh., District :
Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station- P.S.- Sitapur, District-
Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Vivek Kumar Pandey, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.10.2018**

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.53 of 2018, registered at Police Station – Sitapur, District – Surguja, Chhattisgarh for the offence punishable under Sections 341, 354(kha), 323, 376(dha), 506 and 366(ka) read with Section 34 of the Indian Penal Code and Sections 9(cha)/ 10 and 5(cha)/ 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 10.4.2018 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. Similarly placed co-accused persons, namely, Anil Lakda and Michael Ekka have been granted bail by this Court in M.Cr.C. No.4677 of 2018, vide order dated 24.07.2018. The prosecutrix in this case has changed her version of allegation in her statement under Section 164 of the Cr.P.C., which clearly shows that it is a concocted case. 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 prosecution case as alleged is that, on the date of incident, when the prosecutrix was with her fiancée she was caught hold by four accused persons and then she was taken to a jungle where she was gang raped.

6. According to the statement under Section 164 of the Cr.P.C., the prosecutrix has omitted to make a statement of rape committed on her by the applicant. Hence, for these reasons, I feel inclined to grant regular bail to the applicant in this case.

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