

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7320 of 2017

- Mahender Singh Dureja S/o Shri Sawan Singh Dureja, Aged About 42 Years Resident Of L I G - 52, R. P. Nagar, Phase - I I, Kosabadi, Police Station Kotwali, Outpost Rampur, District Korba Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through In - Charge Officer Of Outpost Rampur, Police Station Kotwali, District Korba, Chhattisgarh., Chhattisgarh

---- Respondent

For Applicant : Mr. R.S. Marhas, Advocate.
For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

17/01/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.211/2016, registered at Police– Outpost Rampur under Police Station-Kotwali, District– Korba(C.G.) for the offence punishable under Sections 363, 368, 376, 376-D, 370, 370-A, 372 and 201 read with Section 34 of Indian Penal Code (for short 'IPC') and Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out

against the applicant, on the basis of the material of prosecution case.

It is also submitted that the prosecutrix has been examined and in her statement she has not identified the applicant and neither has made any allegatory statement against him. For this reason, applicant is entitled to be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the prosecutrix had been minor on the date of incident and the offence is made out against the applicant. Hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. A missing report was lodged by complainant Rachna Rajwade on 9.5.2016 in Police-Outpost-Rampur stating, that her minor niece the prosecutrix aged 16 years was missing. Prosecutrix was recovered on July, 2017 and in the statement given to police she has stated that she was forced for prostitution by the accused Rachna Rajwade, Ratnesh and Shilvi @ Shainki. Name of applicant has appeared as one of the customers, who had sexual intercourse with her.
6. Considered the submissions made and contents of the case diary and also perused the certified copy of the statement of prosecutrix before the trial Court, in which, she has not made any allegation against the applicant. After overall consideration of the case against the applicant, I am of this view that applicant deserves to be benefited with grant of regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha