

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3061 of 2019

- Amit Ram Vishwakarma S/o Mangal Vishwakarma, Aged About 24 Years, Caste Lohar, R/o Kumansiya, Post Kerju, Police Station Sitapur, District Sarguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Jashpur, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

----Non-applicant

For Applicant – Shri Sanjeev Kumar Sahu, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-07-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 26-02-2019 in connection with Crime No.34/2019 registered at P.S. - Jashpur, District Jashpur, Chhattisgarh for the offence under Section 363, 376 of the IPC and under Section 5(L), 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 26-02-2019. No case is made out against the applicant on the basis of the statement of the prosecutrix under Section 164 of the Cr.P.C. in which she has not made any allegation regarding commission of offence of rape with her by this applicant. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that in statement under Section 161 of the Cr.P.C. the prosecutrix has alleged that the applicant had raped her on 13-01-2019. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, it is alleged that on 13-01-2019 this applicant abducted the minor prosecutrix and raped her by putting her under threat.
6. On perusal of the statement of the prosecutrix under Section 164 of the Cr.P.C., it is evident that she has not alleged about any physical relation with the applicant, therefore, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge