

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3460 of 2019**

Shri Shanker Das S/o Shri Roop Das Aged About 28 Years R/o Bhadrapara,
Police Station - Balconagar, And Tehsil And District - Korba Chhattisgarh.,
District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Of Police
Station Rampur Chowki, Kotwali Korba District Korba Chhattisgarh.,
District : Korba, Chhattisgarh.

---- Respondent

For the Applicant : Shri Ashutosh Shukla, Advocate.
For the Respondent/State : Shri Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.07.2019**

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.122 of 2019, registered at Police Station – Rampur Chowki Kotwali, Korba, District – Korba, Chhattisgarh for the offence punishable under Sections 376, 363, 366 of the Indian Penal Code and Sections 4 and 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 4.4.2019 and has been falsely implicated in this case. The name of this applicant has not appeared in the statement of the prosecutrix under

Sections 161 and 164 of the Cr.P.C. as the person who is ravished her. Hence, for these reasons, 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. Vinod Kumar Gupta – lodger of the FIR is present in person before this Court on the basis of summons issued against him. He made a statement that he has no objection that if the applicant is granted regular bail.

5. Heard counsel for both the parties and perused the case diary.

6. FIR has been lodged against Sagar Patel and Santosh Das alleging that the minor prosecutrix was abducted and raped by these persons. On the basis of the statement given by the prosecutrix that applicant – Shanker Das impersonated as Sagar Patel, therefore, he has been arrested and detained in this case.

7. Considered the entire material present in the case-diary. After considering the statement given by the informant of this case and also after perusing the copy of the application filed by the mother of the prosecutrix to the police, stating that this applicant has played no role in the said commission of offence, therefore, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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