

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3497 of 2019**

Shri Surendra Warkade, S/o. Shri Jagdish Prasad Warkade, Aged About 21 Years, R/o. House No. 19/257, Near Canal Urla, P.S. Urla, and Tehsil and District- Raipur, Chhattisgarh.

---- **Applicant****Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Balconagar, Tehsil and District- Korba, Chhattisgarh.

---- **Respondent**

For Applicant	: Mr. Ashutosh Shukla, Advocate
For Respondent/State	: Mr. Aaditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/07/2019**

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.37/2019, registered at Police Station –Balco, Tehsil – Korba, District – Korba (C.G.) for the offence punishable under Section 363, 366, 376, 506 of Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 16.02.2019. No case is made out against the applicant according to the statement given by the prosecutrix under Section 164 of Cr.P.C.. The prosecutrix was not minor on the date of incident. Therefore, it is prayed that the applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the date of birth in school register, the prosecutrix was minor on the date of incident, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, a missing report was lodged by the father of the prosecutrix, on the basis of which, the prosecutrix was recovered on 12.02.2019 in Dhar (M.P.). Thereafter on the basis of statement given by the prosecutrix under Section 161 of Cr.P.C., offences have been registered against the applicant.
6. Considered on the submissions made and the contents of the case diary. After perusing the statement of the prosecutrix under Section 164 of Cr.P.C. and considering the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge