

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No. 3945 of 2019**

- Abhishek Tondon @ Banti S/o Ishwar Tondon Aged About 20 Years R/o Sodhi Maradi, P.S.- Pathariya, District- Mungeli, Chhattisgarh

**---- Applicant**

***Versus***

- State Of Chhattisgarh Through Officer-In-Charge Of P.S.- Pathariya, District- Mungeli, Chhattisgarh

**---- Non-applicant**

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|-------------------------|---------------------------------|
| For Applicant           | : Mr. Pallav Mishra, Advocate.  |
| For Non-applicant/State | : Mr. Lav Sharma, Panel Lawyer. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order on Board**

**29-07-2019**

Heard.

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 23.05.2019 in connection with Crime No. 58/2019, registered at Police Station– Pathariya, District- Mungeli, Chhattisgarh for offence punishable under Sections 363, 366, 376 of I.P.C. and Sections 4 and 6 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 23.05.2019. The allegations of the prosecutrix against this applicant are totally false, which she has corrected in her statement under 164 of Cr.P.C., wherein she has not made any allegation against the applicant regarding any sexual assault made upon her. Therefore, on this basis, this applicant is entitled for grant of bail.
3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.
5. According to prosecution case, the prosecutrix is of age below 18 years.  
It is alleged that the applicant had abducted the minor prosecutrix with intention to obtain her submission for sexual intercourse and thereafter he exploited her sexually.
6. On perusal of the statement of prosecutrix under Section 164 of Cr.P.C., it appears that the prosecutrix has very clearly omitted a part of the statement under Section 161 of Cr.P.C. regarding the sexual offence committed by the applicant, therefore, looking to this development, 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**