

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4823 of 2019**

Jitendra Gayakward S/o Bhagwani Ram Gayakward Aged About 19 Years
R/o Raipura, Police Station- Doundi- Lohara, District- Balod, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station-
Doundi- Lohara, District- Balod, Chhattisgarh.

---- Respondent

For the Applicant : Shri Hemant Gupta, Advocate.
For the Respondent/State : Shri Jitendra Shukla, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.08.2019**

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.53 of 2019, registered at Police Station – Doundi-Lohara, Balod, District – Balod, Chhattisgarh for the offence punishable under Sections 363, 366(A) and 376 of the Indian Penal Code and Sections 5(th)/ 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 14.4.2019 and has been falsely implicated in this case. According to the statement given by the prosecutrix under Section 164 of the Cr.P.C., no

case is made out against the applicant. Hence, 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. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, this applicant abducted the minor prosecutrix aged about 17 years on 13.4.2019 and thereafter, on pretext that he will marry her had illicit sexual intercourse with her without her consent and willingness. Hence, this case.

6. On perusing the statement of the prosecutrix under Section 164 of the Cr.P.C., it appears that she has omitted some statement before the Magistrate which she has earlier stated in her statement under Section 161 of the Cr.P.C. Hence, looking to this development, I feel inclined to grant bail to the applicant in this case.

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. 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

Nimmi