

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5045 of 2019**

Balram Prasad Kurrey, S/o. Bhuwan Lal Kurrey, Aged About 20 Years, R/o. Parsabhatha, Police Station Baloda, District Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Kartala, District Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ravindra Sharma, Advocate
For Respondent/State	: Mr. Neeraj Pradhan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**28/08/2019**

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.07/2019, registered at Police Station – Kartala, District – Korba (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of POCSO Act.
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 18.05.2019. No case is made out against the applicant according to the material present in the case diary. Charge-sheet has been filed after completion of investigation. Prosecutrix has given statement under Section 164 of Cr.P.C. according to which, this applicant has not committed any offence as alleged. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, prosecutrix went missing on 12.01.2019 regarding which missing report was lodged. The prosecutrix then recovered from the house of this applicant on 18.05.2019. Thereafter, the offence have been registered against the applicant.
6. Considered on the submissions made and the contents of the case diary. On perusing the statement of the prosecutrix under Section 164 of Cr.P.C., it is found that she has clearly denied regarding any physical relation with the applicant and she has made contrary statement, therefore, looking to the development that has taken place, 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