

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5519 of 2019

- Anshudas @ Anshu Das S/o Santosh Das, Aged About 20 Years, R/o Shantipara, P. S. Batauli, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Batauli, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Shri Jitendra Shrivastava, Advocate.

For Non-applicant/State – Shri Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-09-2019

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 24-07-2019 in connection with Crime No.60/2019 registered at P.S. - Batauli, District Surguja, Chhattisgarh for the offence under Section 363, 366, 376(2)(ढ) of the IPC and Section 5(ढ) 6 of the POCSO Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 24-07-2019. The applicant has been falsely implicated. The only incident was this, that the applicant was talking to the daughter of the complainant because of which the applicant himself was assaulted and injured and had to undergo treatment. The FIR has been lodged belatedly on 04-07-2019 and in the first statement of the prosecutrix under Section 161 of the Cr.P.C. she has clearly stated that this applicant never had any physical relation with her. However, in the subsequent statement that was recorded after 6 days on 10-07-2019 the prosecutrix has alleged commission of offence of rape which is false. Therefore, it is prayed

that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application and submits that according to the statement of the prosecutrix under Section 161 of the Cr.P.C. this applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case on 01-03-2019 the applicant was assaulted by the father and brother of the prosecutrix for talking to the prosecutrix, the applicant then underwent treatment in the hospital and when he was discharged, the minor prosecutrix was living with him for about two months during which he exploited her sexually. Hence, this case.

6. Considering on the different statements given by the prosecutrix on two occasions and also on over all facts, circumstances and evidence of this case, 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