

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1728 of 2020

1. Govind Devdas, S/o Shri Kunwar Singh Devdas Aged About 24 Years
R/o- Munshi Smile Ward, Bhatapara, P.S.- Bhatapara City, District-
Balodabazar-Bhatapara, C.G., District : Balodabazar-Bhatapara,
Chhattisgarh
2. Pankaj Deewan S/o Shri Ramchandra Deewan Aged About 21 Years
R/o- Tikara Jugraj, P.S.- Magram, District- Lucknow(U.P.), District :
Lucknow, Uttar Pradesh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Police Station- City Kotwali, District
Balodabazar-Bhatapara, C.G.

---- Respondent

For Applicant	: Mr. Pragalbha Sharma, Advocate
For State/respondent	: Mr. H.S. Ahluwalia, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/05/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicants for grant of regular bail to him as he is in custody in connection with Crime No.349/2016 registered at Police-Station-City Kotwali, District-Baloda Bazar Bhatapara(C.G.) for the offence punishable under Sections 363, 366(D), 376(D) of Indian Penal Code & Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. The applicants are

in jail since 20.12.2019. They have not committed any offence. The prosecutrix has denied her statement under Section 161 of CrPC when she was examined under Section 164 of CrPC, hence, it is prayed that applicants may be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to prosecution case, the prosecutrix was abducted by the applicant No.1 in the year 2016 on pretext that he will marry her and thereafter he committed the sexual intercourse with the prosecutrix. The applicant No.2 also assisted the applicant No.1 in the said commission of offence regarding which FIR has been lodged.
6. As informed by the State Counsel, the prosecutrix has made a totally contradictory statement before the Magistrate under Section 164 of CrPC and denied her statement given to the police under Section 161 of CrPC, therefore, looking to this development in the investigation, I feel inclined to allow the bail application of these applicants.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge