

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1922 of 2020

Dushyant Kumar Verma, S/o Shri Dwarka Verma, Aged About 38 Years, By Caste Lodhi, R/o Village Mudiya, OP Mohara, Thana and Tahsil Dongargarh, District- Rajnandgaon (C.G.)

--- Applicant

Versus

The State of Chhattisgarh, through Police Station Dongargarh, District- Rajnandgaon (C.G.)

--- Respondent

For Applicant : Mr. Parag Kotecha, Advocate.

For State/ Respondent : Mr. Ravish Verma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02/07/2020

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. 67/2020, registered at Police Station- Dongargarh, District- Rajnandgaon (C.G.) for the offence punishable under Section 376, 450, 363 & 354 (D) of IPC & Section 4 & 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 05.02.2019 and has been falsely implicated in this case. No case is made out against the present applicant. Initially, FIR was lodged on 03.02.2020 regarding commission of offence only under Section 354 of IPC. In the later on development, subsequently, supplementary statement has been given by the

prosecutrix alleging that the applicant has also raped her about 6-7 months prior to lodging the FIR. The story of the prosecution is totally improbable and unbelievable, therefore, it is a concocted case against the applicant. Hence, it is prayed that this applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that age of the prosecutrix in this case is only 14 years and she has given categorical statement against the applicant regarding commission of offence of rape and molestation, therefore, no case is made out for grant of bail to the applicant. Hence, the application for grant of bail may be rejected.
4. The complainant and the prosecutrix had appeared on notice before this Court on 22.06.2020 and they had made statement that they have objection in granting bail to the applicant.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, in the FIR that was lodged on 03.02.2020, the prosecutrix had alleged that this applicant used to follow and molest the minor prosecutrix. The first statement was recorded under Section 161 of Cr.P.C. which alleges only molestation. However, supplementary statement has been recorded on 15.02.2020 in which the prosecutrix has alleged about incident of rape committed by the applicant about 6-7 months prior to the date of lodging FIR.
7. After considering the submission and also the gradual improvement in the prosecution case, I am of the view that it would be proper to release the applicant on regular bail during

pendency of trial against him, hence, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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

Arun