

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1891 of 2020**

Narendra Bhaskar S/o Budhram Bhaskar Aged About 23 Years R/o Tundra,
Police Station Gidhouri, Balodabazar, District Balodabazar Bhatapara
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Gidhouri, District Balodabazar Bhatapara Chhattisgarh.

---- Respondent

For the Applicant : Shri Chandra Kumar, Advocate.
For the Respondent/State : Shri Vimlesh Vajpayee, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.08.2020**

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.216 of 2019, registered at Police Station – Gidhouri, District – Balodabazar-Bhatapara, Chhattisgarh for the offence punishable under Sections 363, 366, 368, 506, 376 and 511/ 34 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case because of the previous enmity with the complainant's side. No such incident has occurred and there is no medical evidence present against the applicant. He is in jail since 27.1.2020. Hence,

it is prayed that the applicant be enlarged on bail during the pendency of trial.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the prosecutrix was only about 15 years on the date of incident. She lodged FIR and made categorical statement against the applicant regarding the commission of offence, therefore, no case is made out for grant of bail to the applicant.

4. The complainant/ prosecutrix is present in person before this virtual Court through help-desk of this High Court. She has stated that she has no objection if the applicant is granted bail.

5. Heard counsel for both the parties and perused the case diary.

6. As per the prosecution case, on the date and time of incident, the applicant abducted the minor prosecutrix and took her in a car to a place. The applicant then took the prosecutrix to a dilapidated house where he disrobed her and then made an attempt to rape her. When the applicant could not succeed to rape her, he then threatened her with dire consequences. Subsequent to which, FIR has been lodged.

7. Considered the submissions and the facts that are present in the case. Looking to the statement made by the complainant herself, I am of this view that it is a fit case where the applicant should be benefited with grant of

regular bail during the pendency of trial.

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. 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