

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2720 of 2020

- Gyanendra Kumar S/o Arjun Singh Ramteke Aged About 43 Years Caste Mahar, R/o Kasarao Para, Manpur, Police-Station-Manpur, District-Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police-Station -Khadgaon, District-Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr.Abhishek Sharma, Advocate.

For State/respondent : Mr. Sameer Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/07/2020

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.16/2020 registered at Police Station Khadgaon District Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366, 376, 328 r/w Section 34 of IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
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 29.2.2020. No case is made out against the applicant. The circumstances of the case are mysterious as the prosecutrix went missing on 13.2.2020, who was recovered on 16.2.2020. Her first statement under Section 161 CrPC was recorded on 17.2.2020 in which she has not made any allegation against present applicant. However, in her statement under Section 164 CrPC, which was recorded on 18.2.2020, the prosecutrix has expressed her suspicion that she might have been ravished. On 1.3.2020 i.e. after 10 days, statement of prosecutrix has again been recorded in which she has made allegation against the applicant regarding commission of offence of rape. MLC report of the

prosecutrix does not support her statement. 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 submission made in this respect. It is submitted that the prosecutrix is only about 15 years of age and allegation against the applicant is of serious nature, therefore, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix, administered some intoxicating or narcotic substance to her and thereafter exploited her sexually until she was recovered on 16.2.2020.
6. Considered on the submissions made by the learned counsel for applicant.
7. Considering the gradual development in the statement made by the prosecutrix, the statements that have been recorded on different dates and further considering that the medical report of prosecutrix regarding commission of recent sexual intercourse with her is negative, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge