

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3635 of 2020

- Dilip Kumar Minj, S/o Ganesh Ram, Aged About 19 Years, R/o Madneshwarpur, Police Chowki Bariyon, Police Station Rajpur, District Balrampur - Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer (Police Chowki Bariyon), Police Station Rajpur, District Balrampur - Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Shri Jitendra Shrivastava, Advocate.

For Non-applicant/State – Shri Raveesh Verma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-06-2020

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 05-03-2020 in connection with Crime No.28/2020 registered at Police Station – [Police Chowki Bariyon] P.S. Rajpur, District Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 363, 366 & 376(2)(᳚) of the IPC and Section 4, 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. No case is made out against him. The prosecutrix has given statement under Section 164 of the Cr.P.C. to the JMFC which clearly exonerates the applicant from the crime which is alleged to have been committed by him. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the FIR and the statement of the prosecutrix under Section 161 of the Cr.P.C. is against this applicant. Therefore, he is not entitled for grant of

bail.

4. Heard learned counsel for the parties and perused the documents.

5. As per the prosecution case, it is alleged that this applicant allured the prosecutrix with false promise to marry her and then he abducted her and kept her in his custody in Ambikapur, where he exploited her sexually on number of occasions.

6. After considering on the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C., I am of this view that this is a fit case for grant of bail to this applicant.

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