

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3264 of 2020**

Tikesh Kumar Verma, S/o Banjit Verma, aged about 20 years, R/o village Ahilda, P.S. Kasdol (Chowki – Lawan), district Baloda Bazar, Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P.S. Kasdol (Chowki – Lawan), district Baloda Bazar, Bhatapara, Chhattisgarh.

---- Respondent

For the Applicant : Shri Satya Prakash Verma, Advocate.
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.06.2020**

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.115 of 2020, registered at Police Station – Kasdol (Chowki - Lawan), District – Baloda Bazar, Bhatapara, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 20.2.2020 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix had been a consenting party and

she was not a minor girl on the date of incident. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

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

5. Complainant – Dhanuram lodged a missing report on 19.2.2020 that his minor daughter had gone missing. On the same day, the prosecutrix was recovered from the custody of this applicant and she has gave a statement of abduction and rape against the applicant.

6. According to the proof of date of birth i.e. the entry in the school register, the prosecutrix was aged about more than 17 years, which is intended to be challenged by the applicant's side in the trial and also after considering the statement given by the prosecutrix in this case, I feel inclined to grant bail to the applicant in this case.

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

8. 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

Nimmi