

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3116 of 2020

Manish Verma @ Banti, S/o. Late Shri Shobha Ram Verma, Aged About 24 Years, R/o. Tekapar, P.S. Bori, District Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station Bori, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Purnendra Khichariya, Advocate
For Respondent/State	: Mr. Sudeep Verma, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/06/2020

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.03/2020, registered at Police Station – Bori, District – Durg (C.G.) for the offence punishable under Section 376 and 506 of the Indian Penal Code and Section 4 & 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 14.01.2020. The prosecutrix has given contradictory statement before the Magistrate under Section 164 of Cr.P.C. Hence, 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.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant by putting the minor prosecutrix under threat has committed the offence of rape with her.
6. As narrated in the arguments that prosecutrix has given statement under Section 164 of Cr.P.C., before the Magistrate, which is totally contradictory to the statement given to the police under Section 161 of Cr.P.C., therefore, under these circumstances, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge