

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3354 of 2020

Momin Khan, S/o. Awal Khan, Aged About 19 Years, R/o. Silbhanga, Jangiroad, District Mouregaon (Assam).

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Outpost Basdei, Police Station Surajpur, District Surajpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anil Gulati, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.

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.452/2019, registered at Police Station – Surajpur, O.P. - Basdei, District – Surajpur (C.G.) for the offence punishable under Section 363, 366, 376 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 25.02.2020. The prosecutrix has given statement before the Magistrate under Section 164 of Cr.P.C., which is contradictory and in favour of this applicant. 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 abducted the minor prosecutrix and took her to Kolkata and thereby keeping the prosecutrix in his custody, he exploited her sexually on number of occasions.
6. On perusal of the copy of the statement under Section 164 of Cr.P.C. given to the Magistrate, it is found that this statement is totally contradictory to the statement given by her 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