

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3413 of 2020

1. Nikhil Singh Rajput, S/o. Kripal Singh, aged about 25 years
2. Lakhan Prajapati, S/o. Panna Lal, aged about 33 years,

Both are R/o. New Khursipar, Punjabi Mohalla, Bhilai, District Durg Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : S. H. O., P.S. Khursipar, District Durg Chhattisgarh.

---- Respondent

For Applicants	: Mr. Aman Pandey, Advocate
For Respondent/State	: Mr. Ravish Verma, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/06/2020

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 applicants, who have been arrested in connection with Crime No.131/2020, registered at Police Station – Khursipar, District – Durg (C.G.) for the offence punishable under Section 363, 366, 376 (2) D, 368/34 of the Indian Penal Code and Section 5(D) & 6 of POCSO Act, 2012.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants. The applicants are in jail since 22.02.2020. Although the prosecutrix had made allegation against these applicants in her first statement under Section 161 of Cr.P.C., but in the later statement that she recorded before the Judicial Magistrate First Class U/s.164 of Cr.P.C., she has made contradictory statement stating that the applicants are not responsible for commission of offence. Charge-sheet in this case has been filed after completion of investigation. Hence, it is prayed that the applicants may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application. It is submitted that the age of the prosecutrix was below 18 years on the date of incident and that she had made categorical statement against this applicant, therefore, no case is made out for grant of bail to the applicant.
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 the prosecutrix went missing on 22.02.2020. FIR was lodged against the applicants alleging the commission of offence of abduction and rape etc.
6. Considered on the submissions made and also this fact that the prosecutrix has given statement under Section 164 of Cr.P.C. to the Judicial Magistrate altogether different to the statement given to the police under Section 161 of Cr.P.C., therefore, looking to the development that has taken place, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram