

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4292 of 2020**

- Ajay Satnami S/o Myaram, Aged About 21 Years, By Caste Satnami, R/o. Village Charpara, (Incompletely Mention Charpa In Order) Thana And Tahsil Malkharoda, District Janjgir Champa Chhattisgarh

---- Petitioner**Versus**

- The State Of Chhattisgarh Through District Magistrate District Janjgir Champa Chhattisgarh

---- Respondent

For Applicant	Mr. Parag Kotecha, Advocate
For Respondent/State	Ms. Fouzia Mirza, Additional Advocate General

Proceedings through Video Conferencing**SB: Hon'ble Mr. Justice Prashant Kumar Mishra****Order On Board****16/9/2020**

1. Heard.
2. This is an application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.276/2019 registered at Police Station Malkharoda, District Janjgir-Champa (CG) for the offence punishable under Sections 376, 363, 366 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act.

3. The applicant and the prosecutrix had gone separately to Gorakhpur (Uttar Pradesh) and got acquainted with each other. As per the diary statement, the applicant committed forcible sexual intercourse with the prosecutrix at Gorakhpur and within the jurisdiction of the concerned Police Station. However, in her statement under Section 164 of Cr.PC, she is not making any allegation of commission of rape.
4. Since initially the applicant and the prosecutrix had gone separately to Gorakhpur, it is debatable whether the offence of abduction would be made out against the applicant at the initial stage.
5. Considering the varying statements of the prosecutrix and the tenor of her statement under Section 164 of Cr.P.C., this Court is inclined to release the applicant on regular bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
7. Certified copy as per rules. Sd/-

(Prashant Kumar Mishra)

Judge