

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4624 of 2020**

- Manoj Sahu S/o Sukho Sahu Aged About 25 Years R/o Village- Baitari, Thana And Tahsil- Saraipali, District- Mahasamund, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through- Police Station- Saraipali, District- Mahasamund, Chhattisgarh

---- Respondent

For Applicant

Mr. SS Rajput, 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****4/9/2020**

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.111/2019 registered at Police Station Saraipali, District Mahasamund (CG) for the offence punishable under Sections 363, 366, 376 (2) (Dh) of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. The applicant has allegedly abducted the prosecutrix and committed forcible sexual intercourse, for which, a complaint

was made by the mother of the prosecutrix on 26.3.2019. In the first diary statement of the prosecutrix and in her statement under Section 164 of Cr.P.C. recorded on 27.3.2019, she made statement without alleging anything against the applicant. However, on 31.3.2019, she changed her version and made allegations against the applicant. After about one year i.e. on 7.3.2020, her statement under Section 164 of Cr.P.C. has been recorded, in which, she made allegations against the applicant. In this statement, there is no explanation as to why in her earlier appearance before the Magistrate for recording statement under Section 164 of Cr.P.C., she did not disclose any adverse allegation against the applicant.

4. Although the prosecutrix is less than 16 years of age on the date of the incident, but considering her change of version about the incident time and again, this Court is inclined to release the applicant on regular bail.
5. 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.
6. Certified copy as per rules. Sd/-

(Prashant Kumar Mishra)

Judge