

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.5555 of 2020**

1. Santosh Singh S/o Budhman Singh Aged About 23 Years R/o Village Bahdola P.S. Khadgava, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
2. Mahendra Singh S/o Kalyan Singh Aged About 24 Years R/o Village Sakda, Police Station Khadgava, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
3. Seva Singh S/o Somaru Singh Aged About 27 Years R/o Village Sakda, Police Station Khadgava, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioners**Versus**

- State Of Chhattisgarh Through Station House Officer Khadgava, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant	:	Shri Vijay Kumar Sahu, Advocate
For Respondent/State	:	Shri Gagan Tiwari, Dy.GA

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****08/10/2020**

Heard.

1. The applicants have moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.32/2020 registered at Police Station Khadgava, District Koriya for the offence punishable under Section 363, 366(क), 376(2)(क)/34 of the IPC and Section 4 & 6 of the POCSO Act . The applicants were arrested on 15-02-2020.
2. Prosecution case is that the present applicants abducted the prosecutrix and then, one after the other, on the false pretext of marriage, she was subjected to rape, who is said to be minor in age.
3. Learned counsel for the applicant would submit that the present is a case of false implication and improbable story has been cooked up against the present applicants. He submits that the prosecutrix in her statement recorded

under Section 164 of Cr.P.C. has not made any kind of allegation against any of the applicants that she was subjected to sexual intercourse by the present applicants, but she has only stated that she went to different places along with the applicants and finally came back to home.

4. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that though, the prosecutrix has not clearly stated in her statement recored under Section 164 of Cr.P.C. regarding sexual intercourse, but in her case diary statement, the prosecutrix has clearly stated that she met with each applicant on different dates and each of them, on the false pretext of marriage, committed sexual intercourse with her. He further submits that as the prosecutrix is minor in age, the applicants are not entitled to bail.

5. On prima facie consideration, it is seen that the prosecutrix has clearly stated that she met with each of the applicants on different dates and she was subjected to sexual intercourse, but in her statement recorded under Section 164 of Cr.P.C. before the Magistrate, she has not made allegation of sexual intercourse against any of the applicants. Considering the aforesaid discrepancy in the statement of the prosecutrix, the present appears to be a fit case for grant of bail.

6. Accordingly, the application is allowed. It is ordered that the applicants shall be released on bail on each of them furnishing a personal bond of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the concerned trial Court on the condition that they shall appear before the trial Court regularly on each and every date of hearing, unless exempted.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge