

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6281 of 2020

Suraj Kumar Bharti, S/o Shri Rakesh Bharti, Aged About 20 Years, R/o Village Baktara, Police Station- Mandir Hasoud, District- Raipur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station- Mandir Hasoud, District- Raipur (C.G.)

--- Respondent

For Applicant : Mr. Devershi Thakur, Advocate.

For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02/11/2020

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. 187/2020, registered at Police Station- Mandir Hasoud, District- Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 14.06.2020 and has been falsely implicated in this case. The prosecutrix had herself left her house and took shelter in the house of the applicant. The allegation regarding commission of offence of rape, is also misleading, as the prosecutrix, who gave statement under Section 161 of the Cr.P.C., has clearly denied any physical relation with the

applicant. However, later on, she has made statement under Section 164 of the Cr.P.C. about making physical relation with the applicant, which appears to under influence of her parents. Hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that age of the prosecutrix was only 14 years at the time of incident. The prosecutrix as well as the other witnesses have made clear allegation regarding commission of offence of abduction and rape by this applicant, therefore, this applicant is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. The complainant was served with a notice for hearing of this application in compliance with Section 439(1A) of the Cr.P.C., but there is no appearance and no representation is made from the complainant side on the fixed date given i.e. 15.10.2020.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that this applicant abducted the minor prosecutrix of age about 14 years with the help of his father, who is co-accused of this case and then, the prosecutrix in his confinement, was exploited sexually by this applicant until she was recovered.
7. Considered on the submissions and the facts present in this case. After considering, it appears that the statement of the prosecutrix given under Section 161 & 164 of the Cr.P.C. are not the same with respect to the allegation regarding rape against this applicant and also considering the other circumstances

present in this case, I am of this view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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

Arun