

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5997 of 2020

- Birju Singh S/o Buli Singh, Aged About 28 Years, R/o Village Balothar, Police Station Jigna, Tahsil Datiya, District Datiya (Madhya Pradesh), District : Datia, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Chowki Manipur, Police Station Ambikapur, District Sarguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Amit Singh Chauhan, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-12-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 23-05-2020 in connection with Crime No.132/2020 registered at P.S. – Police Chowki Manipur, Police Station Ambikapur, District Sarguja, Chhattisgarh for the offence under Section 366, 376(3), 376(2) (n) of the IPC and Section 5(L), 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. False FIR has been lodged. The applicant has not committed any offence. He is in jail since 23-05-2020. Charge sheet has been filed. Therefore, it is prayed that the applicant be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that statement of the witnesses are clear and categorical against the applicant regarding commission of offences by him. Therefore, the applicant is not entitled for grant of bail.

4. Notices were issued to the complainant, but report has been received that the complainant are member of wandering tribe who had camped in the

jurisdiction of Police Chowki Manipur, P.S. Ambikapur at the time of incident, but now they have left and there is no address found on which notice can be served. It appears that it has become impossible to serve notice upon the complainant.

5. Heard learned counsel for the parties and perused the case diary.

6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 16 years on 01-03-2020 and then he kept her in his custody for about more than two months during which he exploited her sexually by having physical relation with her continuously. The prosecutrix was recovered on 22-05-2020 and then on the basis of the statement given by her the offences have been registered against the applicant.

7. Considered on the submissions and facts of the case and also the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C., looking to which I am of this opinion that the applicant should be granted bail during pendency of the trial against him.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge