

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6190 of 2020

- Virendra Dewangan, S/o Dukalu, Aged About 19 Years, R/o Bootapara Thana, Torwa District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - The Station House Officer Torwa, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Dheerendra Pandey, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-09-2020

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 27-07-2020 in connection with Crime No.227/2020 registered at Police Station - Torwa, District Bilaspur, Chhattisgarh for the offence under Section 363, 367, 376 of the IPC & 4, 6 of POCSO Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix has given contradictory statement under Section 164 of the Cr.P.C. which supports the applicant. The applicant is in jail since 27-07-2020. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is clear statement made by the prosecutrix in her statement under Section 161 of the Cr.P.C., therefore, the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the documents.

5. As per the case of prosecution, the minor prosecutrix aged about 16 years went missing on 17-07-2020. The prosecutrix was then recovered from custody of this applicant on 27-07-2020. She gave statement against the applicant regarding performance of sham marriage and then her sexual exploitation by the applicant. Therefore, offence have been registered.

6. Considered on the submissions and specifically considered that the statement given by the prosecutrix under Section 164 of the Cr.P.C. appears to be contradictory to her earlier statement, therefore, under these circumstances I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge