

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6349 of 2020

- Gulohar S/o. Shri Pakaluram Banjare, Aged About 18 Years, R/o. Village- Jamgahan, Thana - Bhatgaon, Distt. - Balodabajar - Bhatapara (Chhattisgarh), District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station - Bhatgaon, Distt. - Balodabajar - Bhatapara (Chhattisgarh), District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sunil Sahu, Advocate.

For Non-applicant/State – Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-10-2020

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 18-08-2020 in connection with Crime No.173/2020 registered at Police Station - Bhatgaon, District - Balodabazar - Bhatapara, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC & Section 04 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. According to the statement given by the prosecutrix herself under Section 164 of the CrP.C., no case is made out against the applicant. The applicant is in jail since 18-08-2020. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor of age below 18 years and there is evidence to show that the applicant has committed offences of abduction and rape. Therefore, the application may be rejected.

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

5. The prosecutrix went missing on 15-08-2020 regarding which FIR was lodged. The prosecutrix was then recovered from the custody of this applicant and she gave statement against him, on the basis of which offences have been registered against the applicant.

6. Considered on the submissions and the statement that the prosecutrix has given under Section 164 of the Cr.P.C. before the Magistrate and on this basis 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