

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7129 of 2020

- Tassauvar Alias Chotu, S/o Mohhamad Amaan, Aged About 21 Years, R/o Road No. 21, Zone - 1 Sector - 11, Bhilai, Police Station Khursipar, Bhilai, District-Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station Vaishali Nagar, District-Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ghanshyam Kashyap & Mr. Anadi Sharma, Advocate.
For State/respondent	: Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/11/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.162/2020 registered at Police-Station-Vaishali Nagar, District-Durg (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 3 & 4 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since

3.7.2020. No case at all is made against the applicant. The FIR lodged by the mother of the prosecutrix is totally false. The prosecutrix has narrated the true incident in her statement under Section 164 CrPC given before the Magistrate stating that the applicant has not committed any offence. Her statement is further supported by her medical examination report, which is negative, therefore, the application be rejected.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix has given a clear statement making allegations against the applicant under Section 161 CrPC, therefore, the applicant is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 16 years on the date of incident and thereafter he forcefully took her submission for physical relation. The prosecutrix was then recovered from the possession of grandfather of the applicant and given statement against the applicant. Hence, this case.
6. Considered on the submissions and looking to the statement that has been given by the prosecutrix under Section 164 of CrPC and also the MLC report of her examination, I feel inclined to allow the bail application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his

furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha