

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7160 of 2020

Pradeep Jangde, S/o Kanhaiya Lal Jangde, Aged About 21 Years, R/o Village Barbhantha - A, Tahsil Sarangarh, District- Raigarh (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station Sarangarh, District- Raigarh (C.G.)

--- Respondent

For Applicant	:	Mr. B.R. Banjare, Advocate on behalf of Mr. U.R. Koshaley, Advocate.
For State/ Respondent	:	Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25/11/2020

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. 343/2020, registered at Police Station- Sarangarh, District- Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 08.06.2020 and has been falsely implicated in this case. No case is made out against this applicant. According to the statement given by the prosecutrix under Section 164 of the Cr.P.C. before the Magistrate, although, she has made allegation against this applicant that is later on development and the same

is false and the statement was given under influence of her father and other family members. 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 the prosecutrix has made clear allegation in her repeat statement under Section 161 of the Cr.P.C. on 12.06.2020 that she was minor and the applicant has knowingly exploited her sexually, therefore, no case is made out in favour of the applicant. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that the prosecutrix of age about 16 years, went missing on 03.06.2020. FIR was lodged on 04.06.2020 by father of the prosecutrix. The prosecutrix was then, recovered from custody of the applicant on 08.06.2020. Subsequent to which, she has given statement, on the basis of which, offences have been registered against this applicant.
6. Considered on the submissions and the facts present in this case. As it is found that the statement given by the prosecutrix under Section 161 of the Cr.P.C. on 12.06.2020, which was subsequent to her statement recorded under Section 164 of the Cr.P.C. on 11.06.2020 and the subsequent statement appears to have development, therefore, looking to the circumstances present, 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.

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