

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7333 of 2020**

Narendra Nirala, S/o. Nanu Nirala, aged about 19 years, R/o. Village Jildi, Police Station and Tahsil Sarangarh, District Raigarh Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Sarangarh, District Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Mr. Udhoram Koshaley, Advocate
For Respondent/State	: Mr. Ghanshyam Patel, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/12/2020**

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.490/2020, registered at Police Station – Sarangarh, District – Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant in the light of the statement given by the prosecutrix under Section 164 of Cr.P.C., in which she has stated clearly that the applicant has not committed any offence. Therefore, it is prayed that the applicant may be released on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted

that the age of the prosecutrix was about 16 years and she has made clear allegation against the applicant regarding commission of offence in her statement under Section 161 of Cr.P.C. Therefore, no case is made out for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant allured the prosecutrix with promise to marry her and abducted her and then keeping her in his custody, he has exploited her sexually, which amounts to commission of offence or rape.
6. Considered on the submissions and the facts of the case. The statement that has been given by the prosecutrix under Section 161 of Cr.P.C. and the statement later on recorded under Section 164 of Cr.P.C. are not alike. This shall be further appreciated by the trial Court in the trial, but for the present, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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