

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7338 of 2020**

Jagmohan Verma, S/o. Temu Ram Verma, aged about 27 years, R/o. Bajrang Chowk, Ward No. 13, Katiya, Raipur, Tahsil and District - Raipur (Chhattisgarh).

---- Applicant**Versus**

State of Chhattisgarh, Through : The Station House Officer, Police Station Kharora, District Raipur (Chhattisgarh).

---- Respondent

For Applicant : Mr. Atanu Ghosh, Advocate

For Respondent/State : Mr. B.P. Banjare, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**17/12/2020**

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.128/2020, registered at Police Station –Kharora, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix had previously given false statement under the influence of her parents,

whereas she has made true disclosure in her statement under Section 164 of Cr.P.C. according to which, there is no allegation against this applicant. The applicant is in jail since 31.05.2020. Hence, 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 prosecutrix is clearly a minor and she has made categorical statement against this applicant in the case diary statement and the same is corroborated with the MLC report and also the FSL report. 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 abducted the minor prosecutrix of age about 16 years and 4 months and then by keeping her in his custody, he had physical relation with her on numerous occasions. After recovery of the prosecutrix from his custody, she has given statement, on the basis of which, offences have been registered against the applicant.
6. Considered on the submissions and the facts present in this case. Looking to the statement that has been given by the prosecutrix under Section 164 of Cr.P.C., 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

Balram