

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6674 of 2020**

Ashok Kumar Singh, S/o. Sahatar Singh, aged about 21 years, Caste -Gond, Occupation Student, R/o. Village Sonpur, Chowki Basdei, Police Station Surajpur, District Surajpur Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through - The Police Chowki Basdei, Police Station Surajpur, District Surajpur Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashok Kumar Shukla, Advocate

For Respondent/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**14/10/2020**

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.245/2020, registered at Police Station – Surajpur, District – Surajpur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 6 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. The prosecution has come forward with a improbable story against this applicant. The

prosecutrix has given statement under Section 164 of Cr.P.C., which shows willingness in going with the applicant and residing with him and further she has also made it clear that no physical relation took place with the applicant. Therefore, there is no case at all against the applicant. Hence, it is prayed that the applicant may be released on 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 was aged only 16 years at the time of incident. Further she had made statement under Section 161 of Cr.P.C. to the police that she was having affair with the applicant since about 5 years, in which she was having physical relation, therefore, clearly the offence registered against the applicant is committed by him. Hence, 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 on 19.06.2020 and took her to his own house, where he kept her in his custody and exploited her sexually, which amounts to commission of offence of rape.
6. Considered on the submissions and the facts of the case. Considering on 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