

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6588 of 2020**

- Sukchand Kashyap, S/o Shri Amalram Kashyap, Aged About 23 Years, R/o Village- Seevni, Hirlabhata, P.S. Bhanpuri, District- Bastar, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station- Badanji, District- Jagdalpur, Bastar, Chhattisgarh

---- Respondent

For Applicant : Mr. Ishan Verma, Advocate.

For State/respondent : Mr. Adil Minhaj, 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.23/2020 registered at Police-Station-Badanji, District-Jagdalpur, Bastar (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 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 17.8.2020. No incident has occurred as it will be seen from the statement of the prosecutrix given under Section 164 CrPC, hence, it is prayed that he may be enlarged on regular bail.

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 was of age only 16 years on the date of incident and minor. Further, she has supported the prosecution case in her statement given under Section 164 CrPC, therefore, application be rejected.
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 the applicant abducted the minor prosecutrix on 12.8.2020 and then by keeping in his custody he has established physical relation with her, which amounts to commission of offence of rape regarding which the offences have been registered against him.
6. Considered on the submissions and the facts of the case. Looking to the statement that has been given by the prosecutrix under Section 164 of CrPC, which appears to be contradictory to her previous statement, I am of the view that it would be proper to release the applicant on regular bail.
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