

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.7087 of 2020

- Hemdas Dhritlahre Son Of Bharat Dhritlahre Aged About 27 Years R/o.-
Katai, Police Station - Nandghat, District - Raipur (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through - Police Station - Urla, District - Raipur
(Chhattisgarh)

---- Non-applicant

For Applicant : Mr. Dashrath Kushwaha, Advocate.

For Non-applicant/State : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-12-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 18.08.2020, in connection with Crime No.264/2020, registered at Police Station- Urla, District- Raipur, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Sections 04 and 06 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case. As per the statement given by prosecutrix under Section 164 of Cr.P.C., no case is made out against the applicant. He is in jail since 18.08.2020, therefore, it is prayed that he may be granted bail by this Court.
3. Learned counsel for the State/non-applicant opposes the application and submits that in the statement of prosecutrix under Section 161 of Cr.P.C., there is clear allegations against the applicant regarding the commission of offence of abduction and rape, therefore, the applicant has no entitlement for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix is of age 17 years and 07 months. It is alleged that this applicant allured the prosecutrix with promise to marry her and then he got her submission for physical relation which amounts to commission of offence of rape.
6. Considered on the submissions and the facts present in the case, particularly looking to the statement that has been given by the prosecutrix under Section 164 of Cr.P.C., I am of this view that the applicant deserves to be granted bail.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed, on condition as imposed by the concerned Court.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge