

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7019 of 2020**

Gangaram Patela, S/o. Shri Hariram Patela, aged about 20 years, R/o. Village - Gongal, Thana - Patewa, Tahsil and District - Mahasamund Chhattisgarh.

---- Applicant**Versus**

The State of Chhattisgarh, Through : the Station House Officer, Police Station - Patewa, District - Mahasamund Chhattisgarh.

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**04/11/2020**

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.147/2019, registered at Police Station – Patewa, District – Mahasamund (C.G.) for the offence punishable under Section 363, 366, 376 (2) (n) of the Indian Penal Code and Section 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. No case is made out

against the applicant according to the material present in the case diary. The prosecutrix has given statement under Section 164 of Cr.P.C., before the Magistrate stating that he has not committed any offence, therefore, there is no case present against the applicant. The applicant is in jail since 18.08.2020. 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 minor on the date of incident of age about 16 years and 10 months only and further she has supported the prosecution case in her statement under Section 161 of Cr.P.C. Therefore, it is prayed that the application be rejected.
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 on intervening night of 27-28.09.2019, this applicant abducted the minor prosecutrix on the pretext of marrying her and then by keeping her in his custody has exploited her physically, which amounts to commission of offence of rape, regarding which offences have been registered against him.
6. After considering on the submissions and 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