

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7155 of 2020**

- Aman Bharti @ Chhotu Bharti, S/o Sugreev Bharti, Aged About 20 Years, R/o Village Tarenga, Police Station Bhathapara Gramin, District Baloda Bazar - Bhatapara (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh Through - Station House Officer, Police of Police Station Rakhi, Raipur, District - Raipur (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Anil Gulati, Advocate.
For State/respondent	: Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/11/2020

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.89/2020 registered at Police-Station-Rakhi, Raipur, District-Raipur(C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No offence has been committed by this applicant which is reflected from the statement given by prosecutrix under Section 164 CrPC. The applicant is in jail since 23.09.2020, hence, the applicant 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 has clearly alleged about the commission of offence by this applicant in her statement given under Section 161 CrPC, 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. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then by keeping her in his custody he exploited her sexually. After some time she was recovered by the police.
6. Considered on the submissions and facts of the case and also the statement that has been given by the prosecutrix under Section 164 CrPC, which appears to have some improvement compared to her previous statement given under Section 161 CrPC, for this reason, I am of this view that this is a fit case for grant of bail to the applicant.
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