

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7459 of 2020

- Devadas Jangde S/o Bisen Jangde, Aged About 20 Years, R/o Village Lasatola, Thana Kawardha, District Kabeerdham Chhattigarh, District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh, Through Police Station - Singhanpuri Jangal, District - Kabeerdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

---- Non-applicant

For Applicant – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-12-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 08-08-2020 in connection with Crime No.50/2020 registered at P.S. - Singhanpuri Jangal, District Kabeerdham, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 3, 4 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix has in her statement under Section 164 of the Cr.P.C. not made allegation of rape against the applicant. The applicant is in jail since 08-08-2020. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that age of the prosecutrix had been only 13 years and 9 months and that she has made clear allegation against the applicant regarding commission of rape in her statement under Section 161 of the Cr.P.C. Hence, no case is made out for grant of bail.

4. The prosecutrix is virtually present before this Court through Help Desk

of DLSA Kabeerdham. She has stated that she has no objection in grant of bail to the applicant.

5. Heard the submissions made and perused the case diary.

6. According to the prosecution case, it is alleged that on the date of incident this applicant made proposal to marry the minor prosecutrix and then he took her on his motorcycle to a place where he established physical relation with her, which amounts to commission of offence of rape.

7. Considered on the submissions and the facts of the case and particularly considering the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C. and also her statement of no objection in grant of bail to the applicant, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge