

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7742 of 2020**

Jhuni Ram @ Chhotu, S/o. Late Shri Jagat Ram, aged about 26 years, R/o. Lakhanpur, Purani Basti, Thana Katghora, District Korba Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, CSEB- Chowki, Thana Kotwali, Korba, District Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Nitansh Kumar Jaiswal, Advocate
For Respondent/State	: Mr. Gurudev I. Sharan, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/12/2020**

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.117/2020, registered at Police Station –Kotwali, CSEB Chowki, District – Korba (C.G.) for the offence punishable under Section 363, 366 (क), 376 of the Indian Penal Code and Section 4 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. The prosecutrix has clarified in her statement under Section 164 of Cr.P.C. that there had never been any physical relation between her and the applicant. Hence, no case is made out against the applicant. Therefore, it is prayed that the applicant may be released on regular 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 the prosecutrix is minor of age below 18 years and further she has made allegation against the applicant regarding commission of offence of rape in her statement under Section 161 of Cr.P.C. 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. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix on the pretext of marrying her and then by keeping her in his custody, he has exploited her sexually by having physical relation with her.
6. Considered on the submissions and the facts of the case. Considering on 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