

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7431 of 2020**

Bedram Verma S/o Dhaniram Verma Aged About 22 Years R/o Village Baghmarra, Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Respondent

For the Applicant : Shri Roop Naik, Advocate.
For the Respondent/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.12.2020**

Heard.

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.144 of 2019, registered at Police Station – Chhuikhadan, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 363, 376 and 294 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 29.5.2019 and has been falsely implicated in this case. No case is made out against the applicant although the allegations were present in the charge-sheet but the prosecutrix herself has not supported the prosecution

case accordingly in the trial. The applicant is in jail since about more than 1 ½ years and the trial against him is still not concluded. Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

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 only 14 years of age at the time of incident and she has made a categorical statement regarding the commission of offence of rape against the applicant under Sections 161 and 164 of the Cr.P.C. regarding which, there is admission in her court statement. Hence, the applicant is not entitled for grant of bail

4. Shri Pratihar, Panel Lawyer has appeared virtually through the Help-Desk of Rajnandgaon before this Court. He has stated that he has been informed by the prosecutrix that she has objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. It is alleged that this applicant forcefully took the minor prosecutrix on his motorcycle for a ride and then by taking her to a lonely place he forcefully raped her.

7. Considered the submissions and the facts present in this case. As it appears that the material witnesses have been examined in the case and the copy of the depositions has filed alongwith the present application, after

perusal of the same, I am of the considered view that this is a fit case for grant of regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge