

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7506 of 2020**

Lakhan Singh S/o Bhogsingh Maitri, Aged About 22 Years R/o Village Raliya, P.S. Masturi, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Masturi, District Bilaspur Chhattisgarh.

---- Respondent

For the Applicant : Ms. Laxmeen Kashyap, Advocate.
For the Respondent/State : Shri Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.12.2020**

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.63 of 2020, registered at Police Station – Masturi, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 24.05.2020 and has been falsely implicated in this case. The prosecutrix has given statement under Section 164 of the Cr.P.C. in which she has not made any statement against this applicant regarding the commission of offence. 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 minor aged about 14 years at the time of incident and she has made a statement against the applicant under Section 161 of the Cr.P.C. on the basis of which, the offences are made out, therefore, no case is made out for grant of bail to the applicant.

4. Notice served upon the complainant/ informant has been returned served but there is no appearance or representation on his behalf.

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

6. As per the prosecution case, it is alleged that the minor prosecutrix aged about 14 years went missing on 11.2.2020 after the information, the offence under Section 363 of the IPC was registered against unknown persons. The prosecutrix was then recovered on 8.5.2020 from the custody of this applicant and then, according to the statement given by her, the other offences have been registered against the applicant.

7. Considered the submissions and the facts present in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. was recorded subsequent to the earlier statement under Section 161 of the Cr.P.C. which shows discrepancies and omissions, therefore, under these circumstances, I feel inclined to grant bail to the applicant in this case.

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