

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.7910 of 2020

- Sohan Thakur @ Sole S/o Dhaneshwar Thakur, Aged About 24 Years Residing At Village Guriya Police Station Bhanpuri, District-Bastar, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - The Police Station Parpa, District-Bastar, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Pravin Kumar Tulsyan, Advocate.

For Non-applicant/State : Mr. D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-12-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 02.09.2020, in connection with Crime No.42/2020, registered at Police Station- Parpa, District- Bastar, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Section 06 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case. The statement that has been made by prosecutrix under Section 164 of Cr.P.C. totally exonerates the applicant in this case. The applicant is in jail since 02.09.2020, hence, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the statement of prosecutrix under Section 161 of Cr.P.C. is categorically against the applicant regarding commission of offences by him. Therefore, it is prayed that this applicant may not be granted bail.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix went missing on 11.02.2020. The F.I.R. was lodged by her father on 18.02.2020, the prosecutrix then recovered from the custody of this applicant on 02.09.2020. Subsequent to which, on the basis of the statement given by her, the offences have been registered against the applicant regarding commission of offences of abduction and rape with the minor prosecutrix. Hence, this case.
6. Considered on the submissions and facts of the case present, it is found that the statement of prosecutrix under Section 164 of Cr.P.C. has omissions compared to the previous statement given by her. Hence, under these circumstances, I feel inclined to allow this application.
7. 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, on condition as imposed by the concerned Court.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge