

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7822 of 2020**

Ashok Gupta, S/o. Unnur Gupta, aged about 47 years, R/o. Purani Basti Korba, District Korba, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station Kotwali, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K. Yadav, Advocate

For Respondent/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**17/12/2020**

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.802/2020, registered at Police Station –Kotwali, District – Korba (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the statement given by the

prosecutrix under Section 164 of Cr.P.C. The date of birth of the prosecutrix according to the Aadhar Card is 10.06.2002, therefore, she was major on the date of incident. Hence, 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 that the statement of the prosecutrix under Section 161 of Cr.P.C. is clearly against the applicant regarding commission of offence of abduction and rape by him, 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 enticed the minor prosecutrix of age below 18 years with promise to marry her and then he performed marriage and also had physical relation with her, which amounts to commission of offence of rape.
6. Considered on the submissions and the facts present in this case. Although there is statement of prosecutrix against the applicant under Section 161 of Cr.P.C., but in her statement under Section 164 of Cr.P.C, she has narrated different story, hence for this reason, 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

Balram