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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8082 of 2020

- Mabil Sidar @ Rakesh, S/o Rajendra Sidar, Aged About 29 Years, R/o Village Budhwari Khapra Bhatta, Korba, District Korba Chhattisgarh Presently R/o Mahamaya Para, P.S. and Tahsil Ambikapur District Surguja Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station Gandhinagar, Ambikapur District Surguja Chhattisgarh

---- Non-applicant

For Applicant – Shri Jitendra Shrivastava, Advocate.

For Non-applicant/State – Shri B.P. Banjare, Deputy Govt. Advocate.

Shri G.V.K. Rao, Advocate for the complainant.

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. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 28-10-2020 in connection with Crime No.165/2019 registered at P.S. – Gandhinagar, Ambikapur, District Surguja, Chhattisgarh for the offence under Section 363, 366, 376 and 368 of the IPC and Section 4, 17 of the POCSO Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix is not minor. There had been affair between the applicant and the prosecutrix because of which father of the prosecutrix got annoyed and lodged the false FIR. The statement that has been given by the prosecutrix under Section 164 of the Cr.P.C. is clearly in favour of the applicant and no case is made out against him. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix has made categorical allegations against the applicant in her statement under Section 161 of the Cr.P.C. Hence, no case is made out for grant of bail.

4. Complainant Dhansai and the prosecutrix both are present before this Court along with counsel Shri G.V.K. Rao. They are present here to support the application for grant of bail filed by the applicant.
5. Heard the submissions made and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 18 years and then by keeping her in his custody he has exploited her sexually by having physical relation with her.
7. Considered on the submissions and facts of the case. An affidavit in support of the present application for bail has been sworn by the prosecutrix herself and apart from that, looking to the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C. and also the statement of no objection from the complainant side, I feel inclined to allow this application.
8. 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.
9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge