

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 251 of 2021

Uttam Dhruw, S/o Ram Singh Dhruw, Aged About 26 Years, R/o Village
Dondekhurd, Police Station- Vidhansabha, District- Raipur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through : Police Station : Mandir Hasaud,
District- Raipur (C.G.)

--- Respondent

For Applicant : Mr. Pawan Kumar Kashyap, Advocate.

For State/ Respondent : Mr. Akhtar Hussain, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26/02/2021

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. 355/2019, registered at Police Station- Mandir Hasaud, District- Raipur (C.G.) for the offence punishable under Section 363, 366, 376 (3) of IPC and Section 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 10.08.2019 and has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. reveals that the applicant has not committed any offence, hence, it is prayed that this applicant may be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix has made clear allegation against the applicant in her statement under Section

161 of the Cr.P.C. Hence, the application for grant of bail may be rejected.

4. Notice was issued to the complainant, which has been returned served, but there is no appearance and no representation.
5. Heard counsel for both the parties and perused the records.
6. The case of the prosecution is this, that this applicant abducted the minor prosecutrix and kept her in his custody for sometime and also had forcible physical relation with her knowing well that she was not capable of giving consent for such relationship, regarding which, FIR has been lodged against the applicant.
7. Considered on the submissions and the facts present in this case. Looking the statement of the prosecutrix under Section 164 of the Cr.P.C. which narrates a different story, hence, looking to this development, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge