

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 743 of 2021**

Suresh Anant S/o Late Manharan Lal Anant Aged About 20 Years R/o
Village Narotikapa, P.S. Kota, District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Takhatpur, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Yogendra Chaturvedi, Advocate.
For the Respondent/State : Shri Chitendra Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.03.2021**

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.150 of 2020, registered at Police Station – Takhatpur, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 363, 366-A and 376 of the Indian Penal Code and Sections 4 and 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 24.12.2020 and has been falsely implicated in this case. FIR lodged against the applicant is totally false. The statement of the prosecutrix under Section 164 of the Cr.P.C. reveals that there is no allegation of rape against

the applicant. Hence, it is prayed that the applicant be enlarged on 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 prosecutrix was minor of age 13 years only on the date of incident and the statement of the prosecutrix under Section 161 of the Cr.P.C. clearly shows the allegation regarding commission of offence of abduction and rape by the applicant. Hence, the applicant is not entitled for grant of bail.

4. Notice was issued to the complainant who appeared on 10.3.2021 and made a statement of no objection in grant of bail to the applicant.

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

6. The prosecution case is that this applicant abducted the minor prosecutrix of age 13 years, kept her in his custody for about 6-7 months and had forceful sexual intercourse with her continuously regarding which, the offences have been registered against this applicant.

7. Considered the submissions and the facts that are present in the case. In the statement under Section 164 of the Cr.P.C., the prosecutrix has made omission regarding her previous allegation of rape against this applicant. This is a development and further, there is a statement of no objection from the complainant, therefore, I feel inclined to grant regular bail to the applicant.

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