

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 787 of 2021

- Suraj Uike (Gond), Son of Subhash Gond, Aged About 28 Years, R/o. Ward No.01, Nayapara, Panchshil Nagar, Behind Machhali Market, Durg, District Durg (Chhattisgarh), District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through Station House Office, Police of Police Station Durg, District Durg (Chhattisgarh), District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Rajkumar Sahu and Shri Rajesh Verma, Advocates on behalf of Shri Jitendra Gupta, Advocate.

For Non-applicant/State – Shri Afroj Khan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-02-2021

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 24-07-2020 in connection with Crime No.493/2020 registered at Police Station – Durg, District Durg, Chhattisgarh for the offence under Section 354, 323, 294 of the IPC and Section 8, 9 (ढ) & 10 of Protection of Children from Sexual Offences Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The applicant is step father of the minor victim, because of the dispute this false FIR has been lodged. The prosecutrix has given statement under Section 164 of the Cr.P.C. before the Magistrate in which she has clearly stated that no such incident has occurred. Therefore, the applicant is entitled for grant of bail. Hence, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that the statement of the prosecutrix under Section 161 of the Cr.P.C. is clear and categorical making allegation against the applicant regarding outraging her modesty. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. The case of prosecution is this, that on the date of incident finding the minor victim alone in the house the applicant who is her step father, by use of physical force outraged her modesty touching her body in objectionable manner, regarding which the FIR has been lodged.
6. Considered on the submissions. The statement of the prosecutrix under Section 161 of the Cr.P.C. and under Section 164 of the Cr.P.C. are altogether different, hence, under this circumstance, 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge