

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.936 of 2021

- Nagesh Verma S/o Santosh Verma Aged About 19 Years R/o Nagar Goan, Police Station Dharsiva, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Dharsiva, District Raipur Chhattisgarh

---- Non-applicant

For Applicant : Mr. Devershi Thakur, Advocate.

For Non-applicant/State : Mr. D.P. Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-02-2021

1. Heard
2. Admit.
3. Learned State counsel submits that case diary is available and both the counsel have agreed to submit their arguments.
4. Also heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 05.10.2020, in connection with Crime No.423/2020 registered at Police Station-- Dharsiva, District- Raipur, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Section 4 of POCSO Act.
5. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case, which is reflected from the statement of the prosecutrix given under Section 164 of Cr.P.C. Therefore, there is no case against this applicant. Hence, it is prayed that this applicant may be granted bail.
6. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix had in her earlier statement under

Section 161 of Cr.P.C. made clear allegations against the applicant regarding commission of offence of abduction and rape, therefore, there is no case made out for grant of bail to the applicant.

7. Heard learned counsel for the parties and perused the case diary.
8. According to the prosecution case, this applicant abducted the minor prosecutrix of age below 18 years and then by keeping her in his custody, he exploited her sexually by having physical relation with her.
9. Considered on the submissions, perused the certified copy and the statement of prosecutrix under Section 164 of Cr.P.C. and looking to that, I am of this view that the applicant deserves to be granted bail.
10. Consequently, this application filed by the applicants 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 two local surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
11. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge