

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1133 of 2021**

Devendra Kumar Dhimar @ Babalu Dhimar, S/o. Devraj Dhimar, aged about 21 years, Village - Risama, Thana Anda, Tahsil and District Durg (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station Anda, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Raj Kumar Sahu, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**15/02/2021**

1. Heard.
2. Admit.
3. At the consent of both the parties, the matter is heard finally.
4. 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.3/2021, registered at Police Station – Anda, District – Durg (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 3 of the Protection of Children from Sexual Offences Act.
5. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of Cr.P.C. is clear, which exonerate the applicant from the charge. Hence, it is prayed that the applicant may be released on bail.

6. 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 statement of the prosecutrix under Section 161 of Cr.P.C. is clear and categorical against this applicant on the basis of which, the offences have been registered against him. Therefore, the application be rejected.
7. I have heard the learned counsel for both the parties and perused the case diary.
8. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 18 years then by keeping her in his custody, he has exploited her sexually.
9. Considered on the submissions and also the statement of the prosecutrix under Section 164 of Cr.P.C. according to which, the prosecutrix has told different story, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
10. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
11. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge