

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.1841 of 2021

- Goutam Bariha S/o Ramcharan Bariha Aged About 26 Years R/o Village Baya, Thana Rajadevari, Tahsil - Kasdol, District Balodabazar, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pithora, District- Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Vikash Pradhan, Advocate.

For Non-applicant/State : Mrs. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

02-08-2021

1. 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 30.01.2021, in connection with Crime No.237/2018 registered at Police Station— Pithora, District- Mahasamund, C.G. for offence punishable under Sections 363, 366 and 376(2)(N) of I.P.C. and Sections 4 & 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The applicant is in jail since 30.01.2021. Charge-sheet has been filed. In the statement of the prosecutrix under Section 164 of Cr.P.C., there is no allegation of rape against this applicant. Hence, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor and further, there is her statement against the applicant under Section 161 of Cr.P.C., therefore, it is prayed that the application may be rejected.
4. The prosecutrix is virtually present before this Court through the Help Desk of High Court on notice and she has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, this applicant abducted the minor prosecutrix and put her in his custody and exploited her sexually, until she was recovered by the police. Hence, this case.
7. Considered on the submissions and also considered on the submissions of prosecutrix under Section 164 of Cr.P.C. in which there is omission regarding commission of offence of rape, therefore, I feel inclined to allow this application.
8. 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge