

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1500 of 2021

Kishore Lakra, S/o Junas Lakra, Aged About 29 Years, Caste - Uraon,
Resident of Village- Bhelwatoli, Police Station- Narayanpur, District-
Jashpur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station-
Narayanpur, District- Jashpur (C.G.)

--- Respondent

For Applicant	:	Mr. Jitendra Kumar Saxena, Adv.
For State/ Respondent	:	Ms. Anjali Singh Chouhan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01/03/2021

1. Heard on admission.
2. Admit.
3. Learned State counsel submits that the case diary is available.
4. Both the counsel have agreed to make their submissions.
5. 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. 26/2020, registered at Police Station- Narayanpur, District- Jashpur (C.G.) for the offence punishable under Section 341, 342, 363, 354, 354-B, 506, 323/34 of IPC and Section 9, 10 of

the Protection of Children from Sexual Offences Act, 2012.

6. Learned counsel for the applicant submits that the applicant is in jail since 23.04.2020 and has been falsely implicated in this case. The FIR is delayed about one month, which is concocted and false FIR. The charge-sheet has been filed. Hence, it is prayed that this applicant may be enlarged on bail.
7. On the other hand, learned counsel for the State opposes the bail application submitting that the statement of the victim is clear and categorical against this applicant in her complaint and also in her statement under Section 161 of the Cr.P.C., therefore, the applicant is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
8. Heard counsel for both the parties and perused the records.
9. As per case of the prosecution, it is alleged that on the date of incident, the minor prosecutrix of age about 15 years, was forcibly abducted by this applicant with the help of another co-accused and then, the prosecutrix was taken to a place in jungle, where, he disrobed her and her modesty was outraged by this applicant and other co-accused. The prosecutrix somehow saved herself. The written complaint was lodged in the police station on 22.04.2020.
10. Considered on the submissions and the facts present in this case. The delay in lodging the FIR, has not been explained and further, the applicant is in jail since more than 11 months. The charge-sheet has also been filed after completion of investigation and there is no specific reason available for

continued detention of the applicant. For these reasons, I am of this view that it would be proper to release the applicant on bail, hence, I feel inclined to grant bail to the applicant in this case.

11. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
12. 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun