

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 2791 of 2021**

Sunil Verma, S/o. Ram Naresh Verma, aged about 20 years, R/o. Indira Colony, Kasdol, P.S. Kasdol, District - Balodabazar-Bhatapara(C.G.)

---- Applicant

**Versus**

State of Chhattisgarh, Through : The Station House Officer, P.S. Kasdol, District – Balodabazar-Bhatapara(C.G.).

---- Respondent

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For Applicant : Ms. Shivali Dubey, Advocate

For Respondent/State : Mr. Alok Nigam, G.A.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board****16/08/2021**

1. 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.83/2021, registered at Police Station – Kasdol, District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 17, 18 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 27.02.2021. The prosecutrix has not made any statement of rape against this applicant in her statement under Section 164 of Cr.P.C. Hence, it is prayed that the applicant may be released on bail.
3. 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 prosecutrix was minor of age below 16 years and further there

is clear allegation made against this applicant in the diary statement against this applicant. Therefore, it is prayed that the application be rejected.

4. Notice was issued to the complainant, which was returned served for the date 04.08.2021, even then there was no appearance and no representation from the complainant side on that date.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually.
7. Considered on the submissions. Looking to the statement of the prosecutrix under Section 161 and 164 of Cr.P.C. and also that in her statement under Section 161 of Cr.P.C. she has not made any allegation of rape against this applicant, 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.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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