

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3229 of 2021

- Govinda Kurre S/o Shri Bhaiyaram Kurre, Aged About 28 Years, R/o. Village Mohdi, Post Office- Gobaripat, Police Station- Kota, District Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh

----Non-applicant

For Applicant – Shri Pallav Mishra, Advocate.

For Non-applicant/State – Shri Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 28-03-2021 in connection with Crime No.181/2021 registered at P.S. - Kota, District Bilaspur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 04 of the Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. The date of incident is 26-03-2021. After recovery of the prosecutrix she was examined under Section 164 of the Cr.P.C. on 31-03-2021 and in that statement she named one Ravi as the person who has abducted and raped her. After about two months on 22-05-2021 another statement of the prosecutrix has been recorded under Section 161 of the Cr.P.C. by the police, in which she had named the applicant for the first time as the person having abducted and raped her. Therefore, whole story of the prosecution is highly doubtful. The applicant has not committed any offence as alleged against him. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application

submitting that there is clear allegation present against the applicant in the statement of the prosecutrix under Section 161 of the Cr.P.C. Therefore, the application may be rejected.

4. Complainant Shyam Dev Jaiswal had appeared virtually before this Court on 09-08-2021 on notice and objected to grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and had forceful physical relation with her.

7. Considered on the submissions. The discrepancy in the statement of the prosecutrix under Section 164 and 161 of the Cr.P.C. which has been recorded later on needs explanation, regarding which there is no explanation present in the case diary, 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