

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3550 of 2021**

1. Tikesh @ Tiku Netam S/o Bharat Lal Aged About 18 Years R/o Village Koliyari, Police Station Dugali, District Dhamtari Chhattisgarh.
2. Parmeshwar @ Manoj Markam S/o Suddhu Ram Markam Aged About 24 Years R/o Village Koliyari, Police Station Dugali, District Dhamtari Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Nagari, District Dhamtari Chhattisgarh.

---- Respondent

For the Applicants : Shri Anil Gulati, Advocate.
 For the Respondent/State : Shri Shakti Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.07.2021**

Heard.

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 applicants who have been arrested in connection with Crime No.18 of 2021, registered at Police Station – Nagari, District – Dhamtari, Chhattisgarh for the offence punishable under Sections 363, 366(A), 376 and 506/ 34 of the Indian Penal Code and Sections 4, 6 & 17 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicants submits that the applicants are in jail since 7.2.2021 and have been falsely implicated in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. is clearly

against the prosecution. Hence, it is prayed that the applicants be enlarged 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 there is clear statement of the prosecutrix under Section 161 of the Cr.P.C. and the medical evidence also supports the same, therefore, the applicants are not entitled for grant of regular bail.

4. The minor prosecutrix is present before the virtual Court through the Help-Desk of the DLSA, Dhamtari. She made a statement that she has no objection in grant of bail to the applicant.

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

6. According to the prosecution case, on the date and time of incident the minor prosecutrix in this case and the another minor prosecutrix of different case both were on their way to attend the marriage ceremony then these applicants gave both of them lift in their motorcycle. The applicants instead of taking the prosecutrix and her friend to the marriage place they took them to a jungle and then applicant No.1 – Tikesh @ Tiku Netam raped the minor prosecutrix in this case and applicant No.2 – Parmeshwar @ Manoj Markam raped the minor prosecutrix in another case.

7. Considered on the submissions. Considering the fact that the statement under Section 164 of the Cr.P.C. is contradictory and improved compared to the statement given by her under Section 161 of the Cr.P.C.

and further, looking to the statement of no objection made by the prosecutrix for grant of bail to the applicant, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge