

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4054 of 2021**

- Rupesh Burman, S/o Anuj Burman, Aged About 21 Years, R/o Shuklabhatha, Police-Chowki-Beladula, P.S. Sarsiwa, District-Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Bilaigarh District Baloda Bazar Bhatapara (which is not mentioned as Bhatapara In the rejection order) (Chhattisgarh).

---- Respondent

For Applicant : Mr. C.R. Sahu, Advocate.

For State/respondent : Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/08/2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.83/2021 registered at Police-Station-Bilaigarh, District-Baloda Bazar-Bhatapara(C.G.) for the offence punishable under Sections 363, 366(क) of IPC and Sections 4 & 8 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The prosecutrix has not made any statement against this applicant regarding the commission of offence of rape in her statement under Section 161 & 164 CrPC, however, subsequent to that after passing of more than one

month a supplementary statement has been recorded of the prosecutrix in which she under the influence of her parents stated about physical relation with the applicant, therefore, the statement of prosecutrix is totally unreliable. Charge-sheet has been filed, hence, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix is a minor girl of age below 18 years and she has made an statement that the applicant had physical relation with her, which amounts to commission of offence of rape, therefore, the application be rejected.
4. The complainant had virtually appeared before this Court through the 'Help Desk' of this High Court on 26.07.2021. He had stated that he has objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and then also exploited her sexually, regarding which FIR has been lodged.
7. Considered on the submissions. There is clear distinction between the prosecutrix statement in the initial stage of the investigation under Section 161 & 164 CrPC and her statement later on as supplementary statement is a development to her previous statement, hence, for these reasons, I feel inclined to allow the bail application of this applicant.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha