

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4632 of 2021**

Sagar Bandhe S/o Shri Maniram Bandhe Aged About 19 Years R/o Village Juda, Police Chowki Lawan, P. S. Kasdol, District Baloda Bazar Bhatapara Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, P. S. Kasdol, District Baloda Bazar Bhatapara Chhattisgarh.

---- Respondent

For the Applicant : Shri Ravindra Sharma, Advocate.
For the Respondent/State : Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.08.2021**

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 applicant who has been arrested in connection with Crime No.675 of 2020, registered at Police Station – Kasdol, District – Baloda Bazar, Bhatapara, Chhattisgarh for the offence punishable under Section 363, 366, 376 and 403 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 2.4.2021 and has been falsely implicated in this case. The statements of the prosecutrix under Sections 161 and 164 of the Cr.P.C. are contradictory to each other. In the statement of the prosecutrix under

Section 161 of the Cr.P.C. she has stated that she has gone and stayed with the applicant from 14.11.2020 to 28.3.2021 and in her statement under Section 164 of the Cr.P.C. she has stated that she stayed with the applicant only for about 4 to 5 days and there is no explanation regarding the rest of the period before she was recovered by the police. The relationship between them was consensual. Hence, it is prayed that the applicant 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. Firstly, the prosecutrix was minor and further, she has clearly given a statement under Section 161 of the Cr.P.C. that for about 4-5 months the applicant has kept her in his custody and sexually exploited her. Hence, no case is made out for grant of bail to the applicant.

4. The prosecutrix has appeared before this Court on notice on 9.8.2021. She made a statement that she has 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, it is alleged that this applicant abducted the minor prosecutrix on 14.11.2020 and kept her in his custody for about 4-5 months during which, he had physical relation with her and then, she was recovered by the police.

7. Considered the submissions and the facts present in this case. It appears that there is contradiction in the investigation, statements of the prosecutrix and also looking to her statement under Section 161 of the Cr.P.C. that she has stayed with the applicant for about 5 months, the submissions of the applicant have some force. Hence, I feel inclined to grant regular bail to the applicant.

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. 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