

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4734 of 2021

- Baaliram Pujari S/o Baliram Pujari, Aged About 25 Years, 130 Totapara Hatpadmur (Schoolpara, Nangur), Police Station Parpa, District Bastar Chhattisgarh., District : Bastar (Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Police Station Parpa District Bastar Chhattisgarh., District : Bastar (Jagdalpur), Chhattisgarh

----Non-applicant

For Applicant – Shri Vikas A. Shrivastava, Advocate.

For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-08-2021

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 22-03-2021 in connection with Crime No.63/2021 registered at Police Station – Parpa, District Bastar, Chhattisgarh for the offence under Section 363, 366(A), 376 of the IPC and Section 06 of Langik Apradhon Se Balkon Ka Sanrakshan Adhiniyam, 2012.
2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated. He is in jail 22-03-2021. Charge sheet has been filed. The statement of the prosecutrix under Section 164 reflects that no offence of rape was committed with her, therefore, the applicant is innocent. Hence, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear allegation of the prosecutrix in her statement under Section 161 of the Cr.P.C. Therefore, the application may be rejected.
4. The prosecutrix is virtually present before this Court through Help Desk of DLSA Jagdalpur. She has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.

6. As per the case of prosecution, it is alleged that this applicant abducted the minor prosecutrix on pretext of marrying her and he has exploited her sexually, regarding which the FIR has been lodged.
7. Considered on the submissions. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C., I am of this view that it is a fit case for grant of bail to the applicant.
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