

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5226 of 2021**

Sayanu Baghel S/o Mangaluram Baghel Aged About 27 Years R/o Kundgudapara Village Madhota P. S. Bhanpuri District Bastar Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Of Police Station Bastar District Bastar Chhattisgarh.

---- Respondent

For the Applicant : Shri P.K. Tulsyan, Advocate.
For the Respondent/State : Ms. Shivali Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.09.2021**

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.28 of 2021, registered at Police Station – Bastar, District – Bastar, Chhattisgarh for the offence punishable under Sections 363, 366, 376 and 109 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 17.6.2021 and has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. does not make any kind of allegation against this applicant. 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. It is submitted that the statement of the prosecutrix under Section 161 of the Cr.P.C. is clear and categoric against this applicant. Hence, no case is made out for grant of regular bail to the applicant.

4. The prosecutrix had appeared on notice before this Court on 23.8.2021 and made a statement of no objection in grant of bail to the applicant.

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

6. The case of the prosecution is that the applicant enticed with a promise to marry the minor prosecutrix, he abducted her and then, by keeping her in his custody he exploited her sexually without her willingness and consent. Hence, this case.

7. Considered the submissions and the facts present in this case. It appears 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., therefore, under these circumstances, 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 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

Nimmi