

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6449 of 2020

- Suraj S/o Shri Santosh Chaturvedi, Aged About 22 Years, R/o Village Dhaurabhatha, Thana Sirgitti, Tahsil Bilha, Civil and Revenue District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- The State of Chhattisgarh, Through the Station House Officer Police Station Jarhagaon, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Non-applicant

For Applicant – Shri Gorelal Uike, Advocate.

For Non-applicant/State – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-01-2021

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 22-07-2020 in connection with Crime No.166/2020 registered at Police Station – Jarhagaon, District Mungeli, Chhattisgarh for the offence under Section 363, 366, 376/34 of the IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. According to the statement given by the prosecutrix under Section 164 of the Cr.P.C. there is no single allegation against this applicant regarding commission of offences of abduction and rape. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the allegation against the applicant is very much categorical in the statement of the prosecutrix under Section 161 of the Cr.P.C. and in the statement of other witnesses. Therefore, no case is made out for grant of bail.

4. Notice issued to the complainant/informant has been returned served, but there is no appearance and representation.

5. Heard learned counsel for the parties and perused the case diary.
6. The prosecution case is this, that the minor prosecutrix of age 15 years was enticed and abducted by the applicant who was then kept in his custody and she was so exploited by him sexually. Mother of the prosecutrix lodged the FIR, subsequent to which the prosecutrix was recovered from the custody of this applicant and then she has given statement, subsequent to which the offences have been registered against the applicant.
7. Considered on the submissions and the facts of the case. After considering on the statement of the prosecutrix given under Section 164 of the Cr.P.C., I am of this view that the applicant should be granted bail.
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