

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7217 of 2021**

Santosh Kumar Singh @ Golu Banjara S/o Kanwar Singh
Aged About 29 Years R/o Village Pandripara, Police Station
And Tahsil Udaypur, District- Surguja (C.G.)

---- Applicant**Versus**

State of Chhattisgarh Through- Station House Officer, Police
Station Udaypur, District- Surguja (C.G.)

---- Non-applicant

For Applicant : Shri Jitendra Shrivastava, Advocate
For Non-applicant/State : Shri Ankur Kashyap, Panel Lawyer
For Complainant : Shri Amit Kumar Verma, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****06.10.2021**

1. Heard on the application filed under Section 439 of the Code of Criminal Procedure, 1973. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 06.08.2021 in connection with Crime No.109 of 2021 registered at Police Station Udaypur, District Sarguja, Chhattisgarh for the offence under Sections 363, 376 of Indian Penal Code, Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. First bail application of the applicant being MCRC No.6350 of 2021 was dismissed as withdrawn vide order dated 23.08.2021.

3. It is submitted that the applicant has been falsely implicated in this case. Statement of prosecutrix under Section 164 of Cr.P.C. reflects that only allegation against the present applicant is outraging the modesty of prosecutrix, whereas First Information Report is lodged for the commission of offence under Section 363 and 376 of IPC, which is not made out, hence, it is prayed that applicant may be enlarged on bail.
4. Learned State counsel opposes the bail application by submitting that prosecutrix was minor and further she has given statement under Section 161 of Cr.P.C. alleging commission of offence of rape, therefore, applicant may not be enlarged on bail.
5. Learned counsel for the Complainant submits that complainant has no objection in grant of bail to the applicant.
6. Heard learned counsel for the parties and perused the case diary.
7. According to the prosecution case, it is alleged that on the date of incident, applicant has caught hold the minor prosecutrix, who was on her way to home, dragged her to a lonely place and forcefully raped her. First Information Report has been lodged.
8. Considered on the submissions. Looking to the statement of prosecutrix under Section 164 of Cr.P.C. and that the complainant has no objection in grant of bail to the applicant, I feel inclined to allow this application.
9. Consequently, this second application filed by the applicant under Section 439 of 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Anu