

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7406 of 2021**

Akbar Tandan S/o Shri Lakhan Tandan Aged About 25 Years
 R/o Village Kanteli (Wrongly Mention Kantli In Impugned
 Order) P.S. Lalpur District Mungeli Chhattisgarh. ---

Applicant**Versus**

State of Chhattisgarh Through P.S. Lalpur, District Mungeli
 Chhattisgarh. ---

Respondent

For the applicant : Mr. Dheerendra Pandey, Advocate.

For the Respondent : Mr. Anshuman Shrivastava, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****10.12.2021**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 104/2021 registered at Police Station Lalpur Distt. Mungeli (C.G) for the offences punishable under Sections 363, 366, 376 of IPC and Sections 4 & 6 of POCSO Act.
2. As per the prosecution case, a written report was lodged by the mother of victim on 13.06.2021 that her daughter was missing and was recovered on the same day itself from the custody of the present applicant and on investigation, it was revealed that she was subjected to forcible rape. The victim being minor, the offence has been registered.
3. Learned counsel for the applicant submits that the statement of the prosecutrix u/s 164 of Cr.P.C., was recorded before the court below, which would show that she herself went to the

house of applicant and neither any allurement was made nor any forcible sexual intercourse was done with the victim by the applicant. Therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. Perused the statement of victim u/s 164 Cr.P.C., recorded on 17.6.2021. The father of the victim has objected to grant of bail. However, her 164 statement shows that she has completely disowned the incident and has stated that she herself went to the house of applicant and no forcible sexual intercourse has been committed. The medical report shows that no definite opinion can be gathered.
 5. Considering the statement of victim u/s 164 CrPC and the medical report, I am inclined to allow this bail application.
 6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**