

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8165 of 2020

Rupesh Baghel, S/o Shree Nanka Ram, Aged About 20 Years, R/o Village Sontarai, P.S. & Tahsil Sitapur, District- Surguja (C.G.)

--- Applicant

Versus

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

--- Respondent

For Applicant : Mr. Sanjay Pathak, Advocate.

For State/ Respondent : Mr. Chitendra Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20/01/2021

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. 75/2020, registered at Police Station- Sitapur, District- Surguja (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 5 (३)/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 06.10.2020 and has been falsely implicated in this case. Totally false FIR has been lodged against the applicant. Father of the prosecutrix has made no objection before the

Sessions Court, which was not given any consideration and the application for grant of bail, was rejected by the Sessions Court. No case is made out against the applicant, hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor on the date and time of incident. Looking to the statement given by the prosecutrix under Section 161 & 164 of the Cr.P.C., no case is made out for grant of bail to the applicant. Hence, the application for grant of bail may be rejected.
4. Notice was issued to the complainant, which was returned served on 12.01.2021, but there was no appearance and no representation on that date.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that the applicant abducted the minor prosecutrix on pretext of marrying her and then, by keeping her in his custody, he made physical relation with her, which amounts to commission of offence of rape.
7. Considered on the submissions and the facts present in this case. After considering the statement and also the other circumstances present, I am of this view that it would be proper to release the applicant on regular bail, hence, 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 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun