

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No.7461 of 2021

- Bade Lal Singh, S/o Suruj Singh (wrongly mentioned in order sheet as Suraj Singh) Aged about 19 years, R/o village Magaji, P.S. Chando, District Balrampur Ramanujganj (CG)

---- Applicant (In Jail)

Versus

- State of Chhattisgarh, through PS- Chando, District Balrampur Ramanujganj (CG).

....Non-applicant

For Applicant	:	Mr. Puskar Sinha, Advocate.
For Non-applicant	:	Ms. M. Asha, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu
Order On Board

25.11.2021

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 16.6.2021 in connection with Crime No.30/2021 registered at Police Station Chando, District Balrampur Ramanujganj (CG) for commission of offence punishable under Sections 363, 366 & 376 (2) (n), 506 of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 15.6.2021 applicant eloped the prosecutrix. On 16.6.2021 Father of prosecutrix lodged report in the concerned police station. On the same day, during the course of investigation, prosecutrix was recovered from jungle in the company of applicant. Based on statement of prosecutrix recorded under Section 161 CrPC,

crime in question is registered against applicant and he was arrested.

3. Mr. Pushkar Sinha, learned counsel for applicant would submit that allegations levelled against applicant in FIR are absolutely false and baseless. Applicant has not committed any offence as alleged against him and he has been falsely implicated in crime in question due to previous animosity. Statement of prosecutrix was recorded under Section 164 CrPC in which she has not levelled any allegation against applicant. Applicant is in jail since 16.6.2021, hence, he may be released on regular bail.
4. Per contra, Ms. M. Asha, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that at the time of incident prosecutrix is less than 18 years of age; in the statement recorded under Section 161 CrPC prosecutrix has levelled serious allegations against applicant, hence, applicant is not entitled for grant of regular bail. However, upon putting specific query with regard to statement of prosecutrix recorded under Section 164 CrPC, after going through the same, learned State Counsel does not dispute submission of learned counsel for applicant with regard to statement of prosecutrix under Section 164 of CrPC.
5. Prosecutrix is present through virtual mode from DLSA Balrampur and stated that she is having no objection in grant of bail to applicant.
6. I have heard learned counsel for both sides.
7. Taking into consideration nature of allegations levelled against

applicant, statement of prosecutrix recorded under Section 164 CrPC, without commenting anything on merits of case, I am inclined to allow this bail application.

8. Accordingly, bail application is allowed and 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 trial Court concerned on the conditions that;

- a) he shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) he shall not, in any manner, tamper with the prosecution witnesses.
- c) If he is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-