

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8322 of 2020

- Arjun Singh S/o Late Motilal, Aged About 22 Years, R/o Village Akharadand, Tahsil Khadgawan, Police Station Khadgawan, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh, Through Police Station Khadgawan, District Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Parag Kotecha, Advocate.

For Non-applicant/State – Mr B.P. Banjare, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-01-2021

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 25-06-2020 in connection with Crime No.147/2020 registered at Police Station – Khadgawan, District Korea, Chhattisgarh for the offence under Section 343, 363, 366, 376(2)(n) of the IPC and Section 4, 6 of 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. The statement that the prosecutrix has given under Section 164 of the Cr.P.C. does not make any allegation regarding commission of offence by this applicant. The applicant is in jail since 25-06-2020. Therefore, it is prayed he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor on the date of incident and that she has made clear allegation against the applicant in the statement under Section 161 of the Cr.P.C. Therefore, the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. The case of prosecution is this, that this applicant abducted the minor prosecutrix of age below 18 years and then by keeping her in his custody he exploited her sexually, regarding which the FIR has been lodged.
6. Considered on the submissions and the facts of the case. The statement of the prosecutrix that was recorded under Section 161 of the Cr.P.C. on 24-06-2020 reveals allegation against the applicant, whereas, the statement of the prosecutrix under Section 164 of the Cr.P.C. recorded on 26-06-2020 is altogether different, therefore, under these circumstances, I feel inclined to allow this application.
7. 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge