

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 8344 of 2020**

Mukesh Kurre S/o Shri Dilip Kurre, Aged About 21 Years R/o Village - Sudama Nagar, Near Kali Mandir, Police Station - Gudhiyari, District - Raipur Chhattisgarh, Present Address - 6/1347, Ward No. 18, Kaling Nagar, Tiranga Chowk, Police Station - Gudhiyari, District - Raipur Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through - The Station House Officer, Police Station - Gudhiyari, District - Raipur Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri Rishi Rahul Soni, Advocate.  
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****08.01.2021**

Heard.

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.133 of 2020, registered at Police Station – Gudhiyari, District – Raipur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 and 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 28.8.2020 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident. There was an affair

between the applicant and the prosecutrix because of which, the applicant was forced by the prosecutrix herself to take her. The applicant and the prosecutrix both have married in a temple in Rajnandgaon and subsequent to which they established physical relation, therefore, no case is made out against the applicant regarding commission of offence. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the statement given by the prosecutrix under Section 161 of the Cr.P.C. there is clear allegation against the applicant regarding the commission of offence of abduction and rape. Hence, no case is made out for grant of bail to the applicant.

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

5. According to the prosecution case, the applicant abducted the minor prosecutrix of age below 18 years. When she was in custody of the applicant, he forced her to have physical relation with him on numerous occasions.

6. Considered the submissions and the facts of the case. Although, the prosecutrix has made allegations against the applicant in her statement under Section 161 of the Cr.P.C. but the statement given by the prosecutrix under Section 164 of the Cr.P.C. reveals another story, therefore, looking to these circumstances, I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge