

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8265 of 2020**

Rajesh Barale S/o Shri Rambhau Barale Aged About 23 Years R/o Satnami Para, Near The Sarkari Kunwa, Telibandha, Police Station- Telibandha, Raipur, Civil And Revenue District- Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police Station- Telibandha, Raipur, Civil And Revenue District- Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Paras Mani Shriwas, Advocate.
For the Respondent/State : Shri B.P. Banjare, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.01.2021**

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.247 of 2019, registered at Police Station – Telibandha, 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 has been falsely implicated in this case. The statement of the prosecutrix under Section 164 of the Cr.P.C. clearly shows that she was willing and consenting party. A new development is that the applicant and the prosecutrix both have

married in Arya Samaj Temple on 4.9.2020 regarding which, the marriage certificate is attached with the application. Subsequent to that, the applicant was arrested by the police on the basis of the false FIR lodged by the mother of the prosecutrix. Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

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 the statement of the prosecutrix under Section 161 of the Cr.P.C. clearly shows that the allegations regarding commission of offence of abduction and rape by the applicant. 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, this applicant abducted the minor prosecutrix on 24.3.2019 regarding which, FIR was lodged on 2.5.2019 by the mother of the minor prosecutrix. After recovery of the prosecutrix from the custody of this applicant and on the basis of her statement, the case has been registered.

6. Considered the submissions and the facts of the case. Looking to the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C., 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