

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8257 of 2020**

Sameer Tandon S/o Manharan Tandon, Aged About 20 Years R/o Village Damadpara, Urla, Police Station Mohan Nagar, District Durg Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through - The District Magistrate, Durg, District Durg Chhattisgarh.

---- Respondent

For the Applicant : Shri Jitendra Gupta, 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.171 of 2020, registered at Police Station – Mohan Nagar, District – Durg, 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 exonerates the applicant as there is no allegation made against him by her. 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 prosecutrix in this case is minor and she made a clear statement under Section 161 of the Cr.P.C. regarding the 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, it is alleged that this applicant abducted the minor prosecutrix and then by keeping her in his custody he exploited her sexually by having physical relation with her until she was recovered by the police.

6. Considered the submissions and the facts of the case. The statement of the prosecutrix under Section 164 of the Cr.P.C. appears to be a new development compared to the statement given by her under Section 161 of the Cr.P.C. Hence, 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