

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8367 of 2020**

Prem Kumar S/o Moti Ram Aged About 20 Years R/o Village Daandgaon
Police Station Udaipur District Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Udaipur, District Surguja Chhattisgarh.

---- Respondent

For the Applicant : Shri Shakti Raj Sinha, Advocate.
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

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.128 of 2020, registered at Police Station – Udaipur, District – Surguja, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2)(n), 376(3) and 306 of the Indian Penal Code and Sections 5(L) 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 14.10.2020 and has been falsely implicated in this case. The actual incident had been that the deceased/ prosecutrix had a love affair with the applicant because of which, she left her house and came to the house of the

applicant for residing with him. The father of the applicant visited the father of the prosecutrix and informed about the incident. Subsequent to which, the prosecutrix was brought back to her own home, where she poured kerosene oil on her body and set herself ablaze out of her frustration. There is no clear allegation against the applicant regarding the commission of offence of rape, abduction or regarding giving abetment to the prosecutrix for committing suicide. 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 the father of the prosecutrix has given a diary statement in which he has alleged that this applicant is responsible for the death of the prosecutrix and the other witnesses present to support the prosecution case. 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 prosecutrix left her own house and went to the house of the applicant on the date of incident to reside with the applicant. The father of the applicant met with the father of the prosecutrix and then the prosecutrix was brought back to her own house, where she poured kerosene oil on her body and set herself ablaze on 29.8.2020. The prosecutrix then died on 10.10.2020 during the course of treatment. The whole investigation does not show any statement recorded of the prosecutrix or any dying declaration recorded.

6. Considered the submissions and the facts of the case. Perused the statement of the father of the prosecutrix under Section 161 of the Cr.P.C. and the statement of the father of the applicant under Section 161 of the Cr.P.C. and after looking to the nature of the incident revealed in these statements, 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