

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8554 of 2020

- Sukhdev, S/o Rudra Pratap Yadav, Aged About 21 Years, R/o Village Pokdega, Police-Station-Lailunga, District-Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station-Lailunga, District-Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ajeet Kumar Yadav, Advocate.

For Respondent/State : Mr. Chitenra Singh, Panel Laweyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

19/01/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.208/2020 registered at Police-Station-Lailunga, District-Raigarh(C.G.) for the offence punishable under Sections 363, 376D, 511, 506, 34 of IPC and Section 7, 8 & 4 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. Totally false statement has been given by the prosecutrix under Sections 161 & 164 CrPC as regards her statement about the offence of attempt to rape, that is totally falsified from the report of the examining doctor, who has

opined that no injury was found on the body of the prosecutrix and, further, that no intercourse was committed with her, hence, the applicant is innocent. He is in jail since 17.09.2020, therefore, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the statement of prosecutrix clearly makes allegations against this applicant regarding commission of offences of abduction and attempt to rape, therefore, no case is made out for grant of bail.
4. The complainant/prosecutrix is present before this Court. She has submitted that she has no objection in grant of bail to the applicant and on the other hand, she also request that the applicant be granted bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, It is submitted that on the date of incident prosecutrix aged 14 years was abducted by this applicant with the help of the co-accused and then taken to a place in jungle where the prosecutrix was thrashed, disrobed, photographed and then this applicant and the other co-accused both attempted to commit rape with her.
7. Considered on the submissions and the facts present in the case. After looking the statement of prosecutrix and the report of the doctor examine the prosecutrix and other circumstances and also the statement of no objection made by the prosecutrix, I feel inclined to allow the application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his

furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha