

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.9018 of 2020

- Deepak Kumar Manikpuri S/o Komal Manikpuri Aged About 21 Years
R/o Village Arjuni, Tahsil Baloda Bazar, Police Station Bhatapara,
District Baloda Bazar Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O., Police Station Bhatapara (Rural),
District Baloda Bazar Bhatapara Chhattisgarh

---- Non-applicant

For Applicant : Mr. Ravindra Sharma, Advocate.

For Non-applicant/State : Mr. Jitendra Shukla, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-02-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 31.10.2020, in connection with Crime No.471/2020 registered at Police Station-- Bhatapara (Rural), District- Baloda Bazar, Bhatapara, C.G. for offence punishable under Sections 363, 366A and 376 of I.P.C. and Sections 4 & 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case, which is reflected from the statement of the prosecutrix given under Section 164 of Cr.P.C. Therefore, there is no case against this applicant. Hence, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the age of the prosecutrix was only 15 years and 03 months on the date of incident. And further, she has made statement

under Section 161 of Cr.P.C. making allegation against the applicant about commission of offence of abduction and rape. Therefore, there is no case is made out for grant of bail.

4. Complainant- Teejan Bai, is present before this Court on notice and she has objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix on 29.10.2021 and then, he kept her in his confinement and had physical relation knowing that she was not competent to give consent.
7. Considered on the submissions and also the statement of the prosecutrix under Section 164 of Cr.P.C., in which she has made a statement which is different as compared to her previous statement under Section 164 of Cr.P.C. and more in support of the submissions made by the applicant side. Hence, under these circumstances, I feel inclined to allow this application.
8. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with two local surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge