

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7986 of 2021**

- Nemu Dhurve, S/o Thanu Dhurve, aged about 19 years, R/o Village Shakha, Police Station & Tahsil Chhuikhadan, District Rajnandgaon (CG)

---- Applicant (In Jail)**Versus**

- State of Chhattisgarh through Station House Officer, Police Station Chhuikhadan, District Rajnandgaon (CG)

---- Non-applicant

For Applicant	:	Mr. Abhishek Sharma, Advocate
For Non-applicant	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****11.11.2021**

1. This is second application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant. First bail application of applicant bearing M.Cr.C. No.639/2021 was dismissed as withdrawn vide order dated 9.7.2021.
2. Applicant is in custody since 12.1.2021 in connection with Crime No.9/2021 registered at Police Station Chhuikhadan, District Rajnandgaon (CG) for commission of offence punishable under Sections 363, 366, 376, 376 (2) (n) of IPC and Section 5 (L) of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief, is that father of prosecutrix lodged missing report of prosecutrix in concerned police station. During the course of investigation, on 12.1.2021 prosecutrix was recovered from the house of applicant. Statement of prosecutrix was recorded, based upon which aforementioned crime is registered against applicant and he was arrested.
4. Mr. Abhishek Sharma, learned counsel for applicant would submit that

applicant has not committed any offence, as alleged, and absolutely false allegations have been levelled against him. After arrest of applicant, police filed charge sheet and thereafter complainant (father of prosecutrix) and prosecutrix were examined before the Court below and they did not support prosecution case in any manner. Even the complainant has stated that date of birth of prosecutrix entered in school record has not been got recorded by him. Applicant is in jail since 12.1.2021.

5. On the other hand, learned State Counsel opposes the submissions made by learned counsel for applicant and submits that serious allegations have been levelled against applicant in FIR as also in statements recorded under Sections 161 & 164 of CrPC, prosecutrix was 17 years of age, hence applicant is not entitled for grant of regular bail.
6. Prosecutrix is virtually present through Help Desk of DLSA, Rajnandgaon. She has no objection in grant of bail to applicant.
7. I have heard learned counsel for the parties.
8. Taking into consideration entirety of facts and circumstances of case, submissions made by learned counsel for applicant; complainant and prosecutrix have already been examined before the Court below concerned; and applicant is in jail since 12.1.2021, without commenting anything on merits of case, I am inclined to release applicant on regular bail.
9. Accordingly, the application is allowed and 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 local surety in the like sum to the satisfaction of the Court below concerned on the conditions that;

- a) he shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) he shall not, in any manner, tamper with prosecution witnesses.
- c) If applicant is found involved in similar kind of offence in future, it will be open for the State to apply for cancellation of his bail.

10. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-