

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8603 of 2020**

Aman Kumar Gupta S/o Satish Kumar Gupta Aged About 20 Years R/o Village - Supa, Police Station Pusaur, Tahsil And District Raigarh (Chhattisgarh).

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station Pusaur, District Raigarh (Chhattisgarh).

---- Respondent

For the Applicant : Shri Roop Naik, Advocate.
For the Respondent/State : Shri Ravi Maheshwari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.01.2021**

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.203 of 2020, registered at Police Station – Pusaur, District – Raigarh, Chhattisgarh for the offence punishable under Sections 363 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 is in jail since 7.11.2020 and has been falsely implicated in this case. The prosecutrix has not made any statement under Sections 161 and 164 of the Cr.P.C. alleging the commission of offence of rape against this applicant. Otherwise, she has accompanied the applicant willingly to go to places until

she was recovered by the police. The FIR lodged against this applicant is totally false. 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 report of the Child Welfare Committee mentions that the prosecutrix was abducted and subjected to rape by this 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. The case of the prosecution is that the minor prosecutrix of age below 18 years went missing on 30.10.2020. A missing report was lodged on 31.10.2020 by her father. Subsequently, the prosecutrix was recovered and then the offences have been registered against the applicant regarding the commission of offences of abduction or rape.

6. Considered the submissions and the facts present in this case. On perusal of the copy of the statement of the prosecutrix under Section 164 of the Cr.P.C., I am of this view that it is a fit case where the applicant should be benefited with grant of regular bail during the pendency of trial.

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