

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9087 of 2020

- Shiv Kumar Verma S/o Shri Hemlal Verma, Aged About 32 Years, R/o Village Sahaspur, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh, At Present R/o Bajrang Para Kohka, Supela, Bhilai, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through : The Station House Officer, Police Station Patan, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Mr. B.P. Singh, Advocate.

For Non-applicant/State – Ms. Reena Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-03-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 12-07-2020 in connection with Crime No.91/2020 registered at Police Station – Patan, District Durg, Chhattisgarh for the offence under Section 363, 366, 376, 376 (2) (ढ) of the IPC and Section 4 & 6 of Protection of Children from Sexual Offences Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The prosecutrix was not minor. She and the applicant both were having affair, therefore, they eloped and performed marriage and were also living as husband and wife. The mother of the prosecutrix has lodged the false FIR making false allegation against the applicant. He is in jail since 12-07-2020. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the statement of the prosecutrix had been clear and categorical under Section 161 and 164 of the Cr.P.C. Therefore, no case is made out for grant of bail. Hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 18 years and then he performed a sham marriage with her and continuously had physical relation with her, which amounts to commission of offence of rape.

6. Considered on the submissions and also the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C. and other circumstances, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant 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 one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge