

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8647 of 2020**

Indal Kurre, S/o. Punit Kurre, aged about 23 years, R/o. Bazar Para, Kosamkhuta, Police Station - Arang, Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Dharsiwa, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ganesh Ram Burman, Advocate

For Respondent/State : Mrs. Smita Jha, P.L.

For Complainant : Mr. Praveen Shrivastava, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/01/2021**

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.472/2020, registered at Police Station –Dharsiwa, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The statement of the

prosecutrix under Section 164 of Cr.P.C. totally exonerates the applicant from the offences registered against him. Hence, it is prayed that the applicant may 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 on the date of incident, the prosecutrix was minor of age below 18 years and further she has made allegation regarding commission of offence by the applicant in her statement under Section 161 of Cr.P.C.. Hence, this applicant is not entitled for grant of bail.
4. Counsel for the complainant submits that the complainant has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Case of the prosecution in brief is this that the applicant abducted the minor prosecutrix on the pretext of marrying her and then he kept her in his custody for few days, during which, he had physical relation with her on numerous occasions.
7. Considered on the submissions and the facts of the case. Taking into consideration the statement of the prosecutrix given under Section 164 of Cr.P.C. and the statement of no objection from the complainant side, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram