

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8812 of 2020

- Vikas Kurre @ Jinu S/o Rajkumar Kurre Aged About 20 Years, R/o Purani Basti Kohka, Near Mangal Bazar Ward No. 9, Police Station-Supela, Bhilai, District- Durg, Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station-Supela, District- Durg, Chhattisgarh, District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sumit Singh Rathore and Shri Jitendra Shukla, Advocates.
For Non-applicant/State – Shri B.P. Banjare, Deputy Govt. Advocate.

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 20-10-2020 in connection with Crime No.698/2020 registered at Police Station – Supela, District - Durg, Chhattisgarh for the offence under Section 376 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The prosecutrix has clearly admitted in her statement under Section 164 of the Cr.P.C. that she has no grievance against this applicant, hence, no case is made out. Therefore, it is prayed that this applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the statement of the prosecutrix under Section 161 of the Cr.P.C. is very clear and categorical making allegation of rape against this applicant. Hence, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. The prosecution case is this, that the applicant and the minor

prosecutrix both were known to each other and were also having affair. The applicant on pretext of marrying the minor prosecutrix had physical relation with her twice and then he refused to marry her. Subsequent to which, the FIR has been lodged.

6. Considering on the submissions. The statement of the prosecutrix under Section 164 of the Cr.P.C. narrates a new story which is contradictory to her statement under Section 161 of the Cr.P.C. Hence, looking to this development in the investigation itself, 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