

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9003 of 2020

- Guddu Kumar Paswan, S/o Rajendra Paswan, Aged About 20 Years, R/o Village Balagoji, Thana Chakai, District Jamui (Bihar) At Present R/o Vijay Nagar, Gerwani, Thana Punjipathra, Tahsil and District Raigarh Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station-Punjipathra, District-Raigarh Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Advocate.
For Respondent/State	:	Mr. Jitendra Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

02/03/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.214/2020 registered at Police-Station-Punjipathra, Distirct-Raigarh(C.G.) for the offence punishable under Sections 363 & 376 of IPC, Section 6 of POCSO 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 prosecutrix under Section 164 CrPC is total denial to her previous statement given by her under Section 161 CrPC, therefore, there is no case against this applicant, hence, it is prayed that applicant may be

enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that prosecutrix has made a categorical statement against the applicant under Section 161 CrPC, hence, no case is made out for grant of bail to the applicant.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per prosecution case, it is alleged that this applicant had on pretext of marrying the minor prosecutrix had physical relation with her on number of occasions and then also on one occasion he abducted her and exploited her sexually until she was recovered.
6. Considered on the submissions and also the statement of prosecutrix under Section 164 CrPC, which appears to be contradictory to her previous statement under Section 161 CrPC, therefore, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge