

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8937 of 2020

Dipesh Kumar Bhargav, S/o Shri Chandra Kumar Bhargav, Aged About 21 Years, R/o Village- Pipersatti, P.S. Akaltara, District- Janjgir-Champa (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through- S.H.O., P.S. Akaltara, District.- Janjgir-Champa (C.G.)

--- Respondent

For Applicant	:	Mr. Ravindra Sharma, Advocate.
For State/ Respondent	:	Mr. B.P. Banjare, Dy. Govt. Advocate.
For Complainant	:	Mr. Gary Mukhopadhyay, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29/01/2021

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. 193/2020, registered at Police Station- Akaltara, District- Janjgir-Champa (C.G.) for the offence punishable under Section 363, 376 of IPC and Section 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 20.11.2020 and has been falsely implicated in this

case. The prosecutrix has made false statement against the applicant under the pressure of her parents. The applicant has not committed any offence, hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the statement of the minor prosecutrix under Section 161 of the Cr.P.C. clearly reveals about offence of abduction and rape committed by the applicant, therefore, no case is made out for grant of bail to the applicant. Hence, the application for grant of bail may be rejected.
4. Learned counsel for the complainant makes statement that the complainant has no objection in grant of bail to this applicant. Written submission has been filed on behalf of the complainant, in which, similar statement has been made.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that this applicant abducted the minor prosecutrix on 05.08.2020. A missing report was lodged by her father on the same date. The prosecutrix herself came on 07.08.2020. According to the statement given by her under Section 161 of the Cr.P.C., this applicant abducted the minor prosecutrix and then, raped her, therefore, FIR has been lodged against this applicant.
7. Considered on the submissions and the facts present in this case. After considering the statement of no objection from complainant side and also the other circumstances present, I am

of this view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge