

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9067 of 2020

Ankit Singh, S/o Vivek Singh, Aged About 19 Years, R/o Kailash Nagar,
Infront of Saraswati Shishu Mandir, P.S. Jamul, Tehsil and District-
Durg (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through S.H.O. P.S. Jamul, District- Durg (C.G.)

--- Respondent

For Applicant	:	Mr. B.P. Singh, Advocate.
For State/ Respondent	:	Ms. Meenu Sharma, Panel Lawyer.
For Complainant	:	Mr. Anshul Tiwari, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01/02/2021

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. 318/2020, registered at Police Station- Jamul, District- Durg (C.G.) for the offence punishable under Section 376(a),(b) & 509 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 05.11.2020 and has been falsely implicated in this case. False FIR has been lodged by mother of the minor

prosecutrix because of some misunderstanding. The prosecutrix has stated under Section 164 of the Cr.P.C. before Magistrate, that no incident has occurred and the applicant has not done anything wrong with her. The medical report also does not support the prosecution case, therefore, 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 and her mother under Section 161 of the Cr.P.C., makes clear allegation of rape against this 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. The complainant-mother of the prosecutrix- Smt. Kanchan Singh is present before this Court and she has made statement that she has no objection in grant of bail to this applicant.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that on 04.06.2020, the applicant fingered in private part of the minor prosecutrix of age about 8 years. The minor prosecutrix then, narrated about this incident after sometime to her mother-complainant. FIR was then lodged on 08.07.2020. On the basis of the statement given by the minor prosecutrix under Section 161 of the Cr.P.C., the offences have been registered against this applicant.
7. Considered on the submissions and the facts present in this case. The new development appears to be the statement of the

prosecutrix under Section 164 of the Cr.P.C. and that the medical report does not show any finding of injury of rape on the minor prosecutrix, her hymen was also found intact. Further, there is delay of about one month in lodging the FIR. Hence, for these reasons, 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