

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9239 of 2020

- Rakesh Lilhare S/o Shri Patiram Lilhare, Aged About 24 Years (age not mentioned in the rejection order of the learned court below), R/o Village Kothurana, Tahsil Kharlangi, P.S. Rampaili District Balaghat M.P.

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station Telibandha, District Raipur Chhattisgarh

---- Non-applicant

For Applicant – Shri C.R. Sahu, Advocate.

For Non-applicant/State – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-03-2021

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 21-05-2020 in connection with Crime No.73/2020 registered at Police Station – Telibandha, District Raipur, Chhattisgarh for the offence under Section 363, 366, 376 (2) (n) of the IPC and Section 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 statement of the prosecutrix under Section 164 of the Cr.P.C. clearly mentions that no offence has been committed by this applicant. Therefore, there is no case against him. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that after recording of the statement of the prosecutrix under Section 164 of the Cr.P.C. she was again examined by the I.O. and then she has stated that her statement against the applicant regarding her abduction and sexual exploitation is correct statement. Therefore, no case is made out for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 18 years who then kept her in his custody for about three months and exploited her sexually continuously. Subsequent to which, the FIR has been lodged.

6. Considered on the submissions. Looking to the statement of the prosecutrix given under Section 164 of the Cr.P.C. before the JMFC and other circumstances present, 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