

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.9147 of 2020

- Gaurav Ramteke S/o Girish Ramteke Aged About 26 Years Residing At Near Bilasha Dairy Sarkanda, P.S. Sarkanda Bilaspur Tahsil Bilaspur District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Sarkanda, District Bilaspur Chhattisgarh

---- Non-applicant

For Applicant : Mr. Praveen Kumar Tulsyan, Advocate.

For Non-applicant/State : Mrs. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-03-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 25.11.2020, in connection with Crime No.1019/2020 registered at Police Station-- Sarkanda, District- Bilaspur, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Section 04 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The statement of prosecutrix under Section 164 of Cr.P.C. does not make any allegation of rape against this applicant. He is in jail since 25.11.2020. Therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that prosecutrix has clearly alleged against the applicant in her statement under Section 161 of Cr.P.C. regarding commission of offence of abduction and rape, therefore, it is prayed that the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, this applicant abducted the minor prosecutrix of age below 18 years and kept her in his custody and exploited her sexually, knowing well that she was not competent to give consent for such relations. Hence, this case.
6. Considered on the submissions and after considering on the statement that has been given by the prosecutrix under Section 164 of Cr.P.C., I feel inclined to allow this application.
7. Consequently, this application filed by the applicants 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 two local surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge