

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9402 of 2020

- Abhimanyu @ Guddu Das, S/o Amir Das, Aged About 20 Years, R/o Village Turna, Police Station Darima, District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Lakhanpur, District Surguja Chhattisgarh

---- Non-applicant

For Applicant – Shri Rohitashva Singh, Advocate.

For State Non-applicant – Shri Afroj Khan, Panel Lawyer.

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

17-03-2021

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 22-11-2020 in connection with Crime No.107/2020 registered at Police Station – Lakhanpur, District Surguja, Chhattisgarh for the offence under Section 363, 366, 376(2)(b) of the IPC and Section 5(b)/6 of POCSO 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 does not make any allegation against this applicant regarding commission of any offence. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the statement of the prosecutrix under Section 161 of the Cr.P.C. makes clear allegation of commission of offences of abduction and rape against this applicant. Therefore, the application may be rejected.

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

5. The prosecution case is this, that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually knowing well that she is minor and not capable of giving consent.

6. Considered on the submissions. Looking to the statement under Section 164 of the Cr.P.C. which contained no allegation against this applicant, 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