

(2018) 02 CHH CK 0215

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 7640 Of 2017

Vikram Minj

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Feb. 12, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 376
- Code Of Criminal Procedure, 1973 - Section 164, 439
- Protection Of Children From Sexual Offences Act, 2012 - Section 3, 4

Hon'ble Judges: Rajendra Chandra Singh Samant, J

Bench: Single Bench

Advocate: Manish Upadhyay, Vinod Tekam

Final Decision: Allowed

Judgement

Rajendra Chandra Singh Samant, J

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 75/2017, registered at Police Station - Narayanpur, District Jashpur (C.G.), for the offences under Section 376 of IPC and Section 3 & 4 of the Protection of Children From Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits, that the applicant has been falsely implicated in this case and he is in jail since 12.10.2017. Prosecutrix in this case, in her statement under Section 164 of Cr.P.C. has given totally different statement exonerating the applicant from the offence alleged to

have been committed by him. Hence, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State opposes the bail application and the submission made that as per the FIR and the statement under Section 161 of

Cr.P.C. the age of the prosecutrix around 16 years. No case is made out for grant of bail.

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

5. Prosecutrix lodged the FIR on 10.10.2017 alleging that applicant by expressing his love for her and promising that he will marry her, on numerous

occasions committed sexual intercourse with the prosecutrix.

6. Considering the submissions made by learned counsel, contents of the case diary and perusal of the statement of the victim under Section 164 of

Cr.P.C given by the prosecutrix and looking to the facts of this case, it appears that she had made omissions which are against the prosecution case. I

am of the view that it is a fit case where the applicant is entitled for grant of bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his

furnishing a personal bond for a 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.