

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4582 of 2017

- Manoj Kumar S/o Shiva Prasad, Aged About 30 Years, R/o Binkara, Police Station Lakhanpur, District Sarguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Lakhanpur, District Sarguja, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Jitendra Shrivastava, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-11-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant was arrested on 08-03-2017 in connection with Crime No.21/17 registered at P.S. Lakhanpur, District Sarguja, C.G. for the offence under Section 450, 376 of the IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is a veterinary compounder, he had to realize some dues from the complainant/prosecutrix, on account of which a dispute took place and the prosecutrix has lodged the false FIR against the applicant. The applicant is in jail since 08-03-2017. The trial has commenced. The prosecutrix has been examined before the trial Court and she has turned hostile. Therefore, for these reasons it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made in this respect.

4. Heard learned counsel for both the parties and perused the case diary and the documents along with the application.
5. Considering on the submissions made and the contents of the case diary, also considering the statement of father of the prosecutrix and statement of the prosecutrix in trial of this case, I am of this view that this is a fit case where the applicant should be enlarged on bail.
6. Consequently, the application (MCRC No.4582/2017) filed under Section 439 of the Cr.P.C. by the applicant 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 trial Court, for his appearance as and when directed.
7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge