HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6790 of 2017

- Rakesh Nirmalkar S/o Ishwari Nirmalkar, Aged About 20 Years R/o Village Khallari Para Bemcha, Police Station Mahasamund, District Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mahasamund, District Mahasamund, Chhattisgarh

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate
For Respondent : Mr.Wamism Miyan, Panel Lawyer

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

07/12/2017

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. 322/2017, registered at Police-station-Mahasamund, District – Mahasamund(C.G.) for the offence punishable under Sections 363, 366 & 376 of Indian Penal Code (for short 'IPC') and Section 6 of Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 10.7.2017. The prosecutrix has been examined by the trial Court and she has turned hostile not supported the case of the prosecution. Looking to this development, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.

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

5. The fact of the case are these, that applicant allured and enticed away the prosecutrix aged 14 years and by taking her to his own residence, committed rape with her. A missing report was given by the father of the prosecutrix thereafter, FIR has been lodged.

6. Considering the submissions made and the contents of the case diary, the certified copy of the deposition of prosecutrix is produced on record along with the certified copy of the statement of other witnesses. After perusal of the statement of prosecutrix and others before the trial Court, I am of this view that no purpose would be served if the applicant is kept in detention till the conclusion of trial, hence, it is a fit case where the applicant should be grant of regular 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 her 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 her appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha