

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8083 of 2017

- Sumant Verma, Son of Shesh Narayan Verma, Aged About 23 Years, R/o Nardaha, Police Station Vidhansabha, Raipur, District (Revenue And Civil) Raipur, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Vidhansabha, District Raipur, Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Shri Yogesh C. Pandey, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-03-2018

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 02-05-2017 in connection with Crime No.80/2017 registered at P.S. Vidhansabha, District Raipur, Chhattisgarh for the offence under Section 363, 366, 376(2) of the IPC and Section 4, 8 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 in jail since 02-05-2017. The prosecutrix in this case has been examined before this the trial Court and she has turned hostile by not supporting the case of prosecution. Hence, no case is made out against this applicant. Hence, it is prayed that the applicant may granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor on the date of incident, hence, no case is made out for grant of bail to the applicant.

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

5. Allegation against this applicant is this, that the applicant abducted the minor prosecutrix on the date of incident and both of them stayed in different places, during which, the applicant established physical relation with the minor prosecutrix. After recovery of the prosecutrix, on the basis of her statement the case has been registered against this applicant and he is being prosecuted.

6. Considered on the submissions made and contents of the case diary. Perused the certified copy of the statement of the prosecutrix, according to which, she is a hostile witness who has not supported the case of prosecution. Hence, due to hostility of the main witness in this case, the circumstance has changed, because of which, I am of this view that the applicant should be released on regular bail during pendency of the trial against him.

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