

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 468 of 2018**

Ganpat S/o Madhav Kashyap, Aged About 22 Years Caste Kashyap, R/o Malda, Tahsil Jaijaipur, And Police Station Hasoud, District Janjgir Champa Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate Police Of Police Station Hasoud, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant : Mr. Ishwar Jaiswal, Advocate

For State/respondent : Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**28/03/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.118/2017, registered at Police Station – Hasoud, District – Janjgir – Champa (C.G.), for the offence punishable under Section 376, 109/34, 313, 315 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix in

this case was a major girl on the date of incident. Applicant has not committed any offence. The prosecutrix while being examined before the trial Court has not identified this applicant and stated that applicant was not one who committed the offence against her. Hence, prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that FIR was named by the prosecutrix herself and the age of the prosecutrix on the date of incident was about 14 years, hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case on the date of incident, applicant raped the minor prosecutrix of age 14 years. Hence this case.
6. Considered on the submissions made and the contents of the case diary and also perused the certified copy of the deposition sheet of the prosecutrix before the trial Court, which has been filed along with this application, wherein she has not stated anything adverse against this applicant because of which she has been declared hostile by the prosecution, hence, looking to the development that has taken place, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram