

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 820 of 2018

- Sonsingh Poyaam S/o Dhaniram, Aged About 25 Years, R/o Ekda, Police Station Narayanpur, District Narayanpur, Chhattisgarh., District : Narayanpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through the Police Station Narayanpur, District Narayanpur, Chhattisgarh., District : Narayanpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Raza Ali, Advocate.

For Non-applicant/State – Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-04-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application under Section 439 of the Cr.P.C. filed by the applicant before this Court for grant of regular bail. The applicant has been arrested on 17-02-2017 in connection with Crime No.21/2017 registered at P.S. Narayanpur, District Narayanpur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 6 of POCSO Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 17-02-2017. Charge sheet has been filed after completion of the investigation. The prosecutrix has already been examined before the trial Court who has not supported the case of the prosecution and has not made statement against this applicant. Hence, it is prayed that the applicant may be released on bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that on the date of the incident age of the prosecutrix was merely 15 years. Hence, no case is made out for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, this applicant adducted the minor prosecutrix on 12-02-2017 alluring her with false promise to marry her and committed offence of rape. After lodging of the missing report, the prosecutrix was recovered from the custody of this applicant on 17-02-2017 and on the basis of the statement made by the prosecutrix, the case has been registered against this applicant.

6. Considered on the submissions made and contents of the case diary.

7. Considered on the entire material present in the case diary. Also perused certified copy of the statement of the prosecutrix that has been filed along with the bail application and according to which the prosecutrix has been declared hostile by the prosecution for not supporting the prosecution case. Hence, looking to the development in the circumstances, I am of this view that this application filed by the applicant for grant of regular bail deserves to be allowed.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge