

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.2347 of 2018

Vishwanath S/o Ramchandar Rajwar, aged about 23 years, R/o village
Khunshi, P.S. Chandora, District Surajpur (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through – Station House Officer, P.S. Bhatgaon,
District Surajpur (C.G.).

---Respondent

For applicant	:	Shri Shakti Raj Sinha, Advocate.
For resp./State	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

04/05/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.09/2018 registered at Police Station Bhatgaon, District Surajpur (C.G.) for the offence punishable under Sections 363, 342, 354, 323 & 306 of IPC and Section 8 of POCSO Act, 2012.
2. Present applicant is in jail since 09/01/2018.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant along with the co-accused person – Martin is said to have abducted the prosecutrix on 02/01/2018 and forcefully taken her to a flat where the present applicant along with the co-accused is said to have harassed physically and assaulted the prosecutrix and also tried to outrage her modesty.

4. The counsel for the applicant submits that, the present applicant in the instant case have been implicated only after the F.I.R. was lodged on 09/01/2018. He further submits that in between, there is no complaint whatsoever made at any point of time by any of the relatives of the prosecutrix. He further submits that, it is case where the deceased committed suicide on 04/01/2018 and she ultimately died on 09/01/2018. In between also, there is no evidence or any statement of the prosecutrix recorded.

5. Given the nature of allegation as per the statement of the mother of the prosecutrix, the allegation seem to be quite serious. It also is made to believe that the family members came to know about the incident on the same day itself, yet non-filing of the complaint before the police authorities or the non-lodging of F.I.R. gives prima-facie a great element of doubt on the prosecution story.

6. Accordingly this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing 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. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sd/-
(P. Sam Koshy)
JUDGE

Sumit