

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2508 of 2018

- Lalluram Nishad S/o Mehatru Nishad Aged About 20 Years R/o- Tarra, Police Station- Vidhansabha, Tahsil And District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. V.R. Tiwari, Advocate.
For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

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

27/06/2018

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.281/2017, registered at Police Station– Vidhansabha, District– Raipur(C.G.) for the offence punishable under Sections 376(D), 363, 366 of the Indian Penal Code and Sections 3 & 4 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 21.10.2017. No offence has been committed by this applicant. After completion of investigation, charge-sheet has been filed and prosecutrix have also been examined before the trial Court, who has

not supported the case of prosecution. Hence, 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. According to the case against this applicant, on 19.10.2017 this applicant abducted the minor prosecutrix and by keeping her in his own house forcefully committed the offence of rape with her. Hence, this case.
6. Considered on the entire material present in the case diary and also perused the certified copy of statement of the prosecutrix before the trial Court, it appears that the prosecutrix has not supported the case of prosecution because of which she has been declared hostile. Looking to this development in the trial against this applicant, I am of this view that this is a fit case where applicant should be enlarged on 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 his 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 his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge