

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2809 of 2018**

Vikash, S/o. Shri Chitrolal Sendre, Aged About 24 Years, R/o. Amapara Nigam Colony Police Station Azad Chowk Distt. Raipur Civil and Revenue Distt. Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station Azad Chowk Distt. Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Ajay Mishra, Advocate

For State/respondent : Mr. Ashok Kumar Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**26/06/2018**

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.229/2017, registered at Police Station – Azad Chowk, District – Raipur (C.G.), for the offence punishable under Section 363, 366, 376 (1) of the Indian Penal Code and Section 4 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 28.10.2017. Charge-sheet has been filed after completion of investigation. No case is made out against this applicant on the basis of the material present in the case diary. Prosecutrix in this case has been examined and she has not supported the case of the prosecution. Hence, it is 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.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, the applicant abducted the minor prosecutrix and then committed rape with her. 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 complainant/prosecutrix before the trial Court in which it appears that she has not supported the case of 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