

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5278 of 2018

- Jai Ram Kenwat S/o Sitaram Kenwat, Aged About 26 Years, R/o- Village Parsadaband (Parasada-Ved), P.S. Masturi, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Komakhan, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

----Non-applicant

For Applicant – Shri Govind Ram Miri and Shri Basant Kaiwartya, Advocates.
For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-08-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 15-01-2018 in connection with Crime No.117/2017 registered at P.S. - Komakhan, District- Mahasamund, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 & 6 of Protection of Children from Sexual Offences 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 15-01-2018. No case is made out against this applicant. The prosecutrix has been examined before the trial Court, in which she has not made any statement about the offence of rape committed by this applicant. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. The case against the applicant is this that, he abducted the minor

prosecutrix and after that keeping the prosecutrix in confinement in Puna for two to three months the applicant committed the offence of rape with the minor prosecutrix on a number of occasions.

6. Considered on the material present in the case diary and also perused certified copy of the deposition of the prosecutrix before the trial Court in which she has made a total omission of stating about the offence of rape committed with her by this applicant, hence, for these reasons, I am of this opinion that this is a fit case where the applicant should be granted regular bail.

7. 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge