

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5713 of 2018

- Ramnarayan Jagat @ Gabda Mongre S/o Suklal Jagat, Aged About 33 Years, R/o- Village- Churki, Thana- Khallari, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station House Officer- Thana- Khallari, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

----Non-applicant

For Applicant – Shri Deepak Jain, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-08-2018

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 24-04-2018 in connection with Crime No.85/2018 registered at P.S. - Khallari, District- Mahasamund, Chhattisgarh for the offence under Section 363, 366, 376/34 of the IPC, and under Section 4 of Protection of Children from Sexual Offences (POCSO Act) Act, 2012 and under Section 3(2)(5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 24-04-2018. No case is made out against him. The prosecutrix is above 18 years of age and she had been consenting party. 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. It is alleged that this applicant abducted the minor prosecutrix and while taking her to different places he had physical relation with her which amounts

to offence of rape. The mother of the prosecutrix has lodged the FIR in this case.

6. Considered on the material present in the case diary. On perusal of the statement of the prosecutrix herself, she has stated about her willingness, but the main concern in this case is age of the prosecutrix, hence, after due consideration, also for the reason that now the case is before the trial Court, I am of this opinion that this 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