

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 511 of 2019**

Jodha @ Ayodhya, S/o Shri Chhannu (wrongly mentioned as Thannoo in cause title of impugned order), aged about 45 years, R/o Village Aasandih, P.S. Raghunathpur, District Balrampur Ramanujganj (CG).

---- Applicant**Versus**

State Of Chhattisgarh, through Police Station Incharge Police Station Raghunathpur, District Balrampur Ramanujganj (CG).

---- Non-applicant

For Applicants	:	Mr. Manoj Mishra, Advocate.
For Non-applicant	:	Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

25.04.2019

1. Mr.Jaisingh Dhurve, Station House Officer, Raghunath Nagar, District Balrampur is present in person before this Court.
2. Counsel for the State submitted that in compliance of this Court's order dated 29.03.2019, the said Station House Officer has filed an explanation before the Registry of this Court. His explanation will be deal on administrative side.
3. Allegedly Informant/prosecutrix is present before this Court. After putting some inquiries from her, this Court satisfied that the girl, who is present in the Court is the informant as prosecutrix.
4. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
5. Perused the case diary provided by the counsel for the State in connection with Crime No.08/2016 registered at Police Station Raghunathnagar, District Balrampur Ramanujganj for the offence punishable under Sections 376(2)(F) of IPC and Section 5(N)/6 of POCSO Act.
6. Case of the prosecution, in brief is that on 20.02.2016, the prosecutrix was below 14 years of age. She is resident of village Aasandih. In the intervening night of 19/20.02.2016, the present applicant, who is a father of the prosecutrix committed forcibly sexual intercourse with her.
7. Counsel for the applicant submits that the applicant has not committed any offence. He is an innocent and has been falsely implicated in the present

case, therefore, he may be released on bail.

8. On the other hand, counsel for the State opposes the bail application, however, he submits that previously no criminal antecedent is reported against the applicant in police case diary.

9. Informant/prosecutrix submits that she has no objection in releasing the applicant on bail.

10. As per certified copy of statement of the prosecutrix, which is a part of bail application, she turned hostile and has not supported the prosecution case. She had stated that except beating, the applicant had not committed any wrong act with her.

11. Looking to the above facts and circumstances of the case, the bail application is allowed. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail and he shall not involve any such type of crime in future.

12. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-