

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1647 of 2019

- Jitendra Lal Pando S/o Ramdas Pando, Aged About 22 Years, R/o Sakin Tomo, Vyaurapara, Chowki-Chendra, Police Station Jhilmili, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Jhilmili, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

----Non-applicant

For Applicant – Ms. Shivali Dubey, Advocate.

For Non-applicant/State – Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-07-2019

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 17-12-2018 in connection with Crime No177/2018 registered at P.S. - Jhilmili, District Surajpur, Chhattisgarh for the offence under Section 363, 366, 376(2)(अ)(द), 368/34 of the IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out. The applicant is in custody since 17-12-2018. The prosecutrix in this case has been examined before the Court and she has been declared hostile. She has very clearly not supported the prosecution case. Therefore, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that it is a case of abduction and rape with respect to the minor prosecutrix of aged about 14 years. Therefore, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the minor prosecutrix aged about 14

years was abducted by co-accused Brijlal who was then harbored in the house of this applicant where he committed offence of rape with the prosecutrix.

6. Considered on the material present in the case diary and also perused the certified copy of deposition of the prosecutrix filed along with the application. After due consideration, I feel inclined to allow this application.

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