

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2280 of 2019

1. Shankar Das Manikpuri, S/o Meghnath Manikpuri, Aged About 25 Years, R/o Water Tank, Nursery Mohalla, Ward No.11, Korba, Police-Station Tahsil & District Korba Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through The Police-Station-Kotwali, District-Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Mirza Kaiser Beg, Advocate.
For Respondent	:	Mr. Jitendra Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/09/2019

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.57/2019 registered at Police Station– Kotwali, Korba, District– Korba(C.G.) for the offence punishable under Sections 376, 506(B) of the Indian Penal Code and Section 4 of POCSO Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 30.01.2019. The applicant is innocent and has been falsely implicated in this case. The prosecutrix in this case has been examined before the trial Court and she has not made a single statement against the applicant, therefore, it is prayed that he may also be enlarged on

regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Notice has been issued to the informant/complainant served and received.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, on the date of incident this applicant finding the minor prosecutrix alone in a lonely place where she had been to answer the call of nature has raped her.
7. On perusal of the certified copy of deposition of the prosecutrix filed along with the petition, it is found that she has not supported the prosecution case because of which she was declared hostile, therefore, looking to this development, I feel inclined to allow the application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge