

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3381 of 2019

- Sundar Das Mahant S/o Kamal Das Mahant, Aged About 19 Years, R/o Check Post Balco, P.S. Balco, Tahsil and District- Korba, Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, through P.S. Sc/St Kalyan Thana (Ajak), District- Korba, Chhattisgarh, District : Korba, Chhattisgarh

----Non-applicant

For Applicant – Shri F.S.Khare, Advocate.

For Non-applicant/State – Shri Neeraj Pradhan, Panel Lawyer.

Shri J.K. Gupta, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-10-2019

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 13-04-2019 in connection with Crime No.07/2019 registered at P.S. - SC/ST Kalyan Thana (Ajak), District- Korba, Chhattisgarh for the offence under Section 376 of IPC and 4, 6 of POCSO Act and 3(2) (5) of SC/ST (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 13-04-2019. No case is made out against him. The prosecutrix has been examined before the trial Court and she has given contradictory statement. Apart from that, the mother of the prosecutrix has also not supported the prosecution case. Certified copy of the depositions have been presented before the Court for perusal. Therefore, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Learned counsel appearing for the complainant submits that the complainant has no objection in grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, on the date of incident this applicant while playing with the prosecutrix of age about 6 years inserted one finger in her private part, regarding which the FIR has been lodged.
7. Considering that the complainant who is mother of the prosecutrix has no objection in grant of bail to the applicant and also that the evidence recorded of the prosecutrix and the complainant before the trial Court on perusal shows that the statement has been made in favour of the applicant, therefore, I feel inclined to allow this application.
8. 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge