

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3334 of 2019**

Chandrashekhar Ratnakar S/o Ramnisher Ratnakar Aged About 31 Years
R/o Village- Gatoura, Tahsil- Masturi, District- Bilaspur, Chhattisgarh.,
District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station-
Kotwali, Jagdalpur, District- Bastar, Chhattisgarh., District :
Bastar(Jagdalpur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Rajkumar Pali, Advocate.
For the Respondent/State : Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.07.2019**

Heard.

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.25 of 2019, registered at Police Station – Kotwali, Jagdalpur, District – Bastar, Chhattisgarh for the offence punishable under Sections 354, 376 and 506 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 16.1.2019 and has been falsely implicated in this case. Because of some dispute, false FIR has been lodged by complainant – Anusuiya Patel. The complainant and her husband both have been examined before the trial

Court and they have not supported the prosecution case. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the victim in this case only 2 ½ years old, therefore, the allegation against the applicant has gravity. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, on 8.12.2018 when the child victim of 2 ½ years was playing, the applicant called her to a place of isolation and then for the purpose of outraging her modesty he touched her body in objectionable manner. The victim of this case has also made a statement that the applicant fingered in her private parts and on that basis, the offence has been registered against the applicant.

6. Considered the material present in the case-diary. Now, the trial is going on. Perused the certified copy of the deposition of complainant – Anusuiya Patel in which she has not made any statement against the applicant and she has been declared hostile. Similarly, another important witness Bajrang Patel, father of the victim and husband of the complainant has also not supported the prosecution case. On the basis of this development that has taken place in the trial against this applicant and also for the reason that the medical report of the prosecutrix is negative, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge