

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3778 of 2019

- Ramprasad Chouhan S/o Fhucha Ram Chouhan, Aged About 45 Years, Caste Chik, R/o Village Pandrapani (Parhtoli), Police Station Farshabahr District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Farshabahr, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sanjeev Kumar Sahu, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-07-2019

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 26-12-2018 in connection with Crime No.79/2018 registered at P.S. - Farshabahr, District Jashpur, Chhattisgarh for the offence under Section 363, 376 of the IPC and under Section 4, 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. He is in jail since 26-12-2018. The prosecutrix had earlier made false allegation against the applicant, but, she has corrected in her statement under Section 164 of the Cr.P.C. which is a favourable statement for the applicant. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that apart from the statement of the prosecutrix under Section 161 of the Cr.P.C., the MLC report of the prosecutrix is also positive. Therefore, the

application may be rejected.

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

5. According to the prosecution case, this applicant abducted the minor prosecutrix and has committed offence of rape with her.

6. On perusal of the statement of the prosecutrix under Section 164 of the Cr.P.C., it appears that she has withdrawn the allegation earlier made by her against the applicant, therefore, under these circumstances I feel inclined to allow this application.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