

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3783 of 2019

- Laxmi Prasad Rajak S/o Late Dhrisay, Aged About 27 Years, Caste Dhobi, Residence of Village Semra Raipara Nagpur, Police Station Pondi, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Chirmiri, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

----Non-applicant

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

For Non-applicant/State – Shri Jitendra Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-08-2019

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 29-07-2018 in connection with Crime No.164/2018 registered at Police Station - Chirmiri, District Koriya, Chhattisgarh for the offence under Section 376 (2) (k)(n) of the IPC and 6 of POCSO Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 29-07-2018. The applicant has not committed any offence. The prosecutrix in this case has been examined before the trial Court and she has not made any statement against this applicant, therefore, nothing is left in the prosecution case. Hence, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, this applicant on the pretext that he

will marry the minor prosecutrix of aged about 15 years has exploited her sexually, because of which she became pregnant and thereafter the applicant has refused to marry her. Hence, this case.

6. On perusal of the certified copy of the deposition of the prosecutrix, it is found that she has not supported the prosecution case, therefore, she has been declared hostile by the prosecution. Hence, looking to this development in this case, 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