

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3991 of 2019

- Somnath Thakur S/o Late Shri Ishwar Lal Thakur, Aged About 23 Years, R/o Parsoda, Police Station Kumhari District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Dharsiwa, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-07-2019

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 11-01-2019 in connection with Crime No.490/2018 registered at P.S. - Dharsiwa, District- Raipur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 8 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 11-01-2019. No case is made out against this applicant. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case, therefore, nothing is left in the prosecution case against the applicant. 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, the applicant abducted the minor

prosecutrix and then by performing fake marriage in temple forcefully had physical relation with her on number of occasions, regarding which the FIR has been lodged.

6. On perusal of the deposition of the prosecutrix and other witness filed along with the application, it appears that the prosecutrix has not identified the applicant and she has not made any statement against him, therefore, the prosecution has declared her as hostile witness. Looking to the development that has taken place in the trial, 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