

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4288 of 2019

- Prakash Dhruv S/o Nan Babu, Aged About 20 Years, R/o Village- Murum Khadan, Ashok Nagar, Sarkanda, Bilaspur, Police Station- Sarkanda, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station- Sarkanda, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Shri Amit Singh, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-08-2019

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 24-01-2018 in connection with Crime No.30/2018 registered at P.S. - Sarkanda, Bilaspur, District- Bilaspur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC & Section 4 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. No case is made out against the applicant and there had never been any physical relation of the applicant with the prosecutrix. The FIR lodged is misconceived. The prosecutrix has been examined before the trial Court and she has not made any statement against this applicant. Therefore, 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 minor prosecutrix on the date of

incident was abducted and then raped by this applicant.

6. After considering on the entire material present in the case diary and also perusing the copy of the statement of the prosecutrix filed along with the application which has been recorded before the trial Court, it is found that she has been declared a hostile witness for not supporting the prosecution case. Therefore, looking to this development, 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