

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4656 of 2019

- Dharam Ratre S/o Moharchandra Ratre, Aged About 21 Years, R/o Village Bhilauni, P.S. Tilda Nevra, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Tilda-Nevra, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Atanu Ghosh, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-09-2019

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 10-05-2019 in connection with Crime No.352/2018 registered at P.S. - Tilda-Nevra, District Raipur, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 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 10-05-2019. No case is made out against him. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case. 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, this applicant abducted the minor prosecutrix of age 16 years and 10 months and then making false promise to marry her he established physical relation with her, which amounts to

commission of offence of rape.

6. On perusal of the certified copy of the deposition of the prosecutrix filed along with the application, it is found that the prosecutrix has not at all supported 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