

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4898 of 2019

- Roshan Tirkey S/o Stanislasha Tirkey, Aged About 24 Years, Caste- Uraon, R/o Village- Dandgaon, Chowki- Manora, Police Station- Jashpur, District- Jashpur (C.G.), District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Chowki- Manora, Police Station- Jashpur, District- Jashpur (C.G.), District : Jashpur, Chhattisgarh

----Non-applicant

For Applicant – Shri Sanjeev Kumar Sahu, Advocate.

For Non-applicant/State – Shri Sanjay Pathak, Panel Lawyer.

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 11-06-2019 in connection with Crime No.164/2019 registered at P.S. - Chowki - Manora, Police Station- Jashpur, District- Jashpur, Chhattisgarh for the offence under Section 363, 366 A, 376 of the IPC and U/s 4, 6 of Protection of Children from Sexual Offences 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 11-06-2019. No case is made out against him. The prosecutrix and her parents have been examined before the trial Court who have not at all 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. Notice has been issued to the informant/complainant which has been returned served, but, there is none appeared and no representation.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, this applicant abducted the minor

prosecutrix of age below 16 years and then took her to Delhi and Gudgaon where by keeping her in his custody for some time he exploited her sexually. After lodging of the FIR the prosecutrix has been recovered from the custody of this applicant.

7. On perusal of the certified copy of the deposition of the prosecutrix and her parents, it is found that they have not supported the prosecution case in any manner, therefore, looking to this development, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge