

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4937 of 2019

- Sanju Miri @ Paitis S/o Jahri Miri, Aged About 22 Years, R/o Latelpara, Bamhanidih, Police Station Bamhanidih, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bamhanidih, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

----Non-applicant

For Applicant – Shri Ravindra Sharma, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-08-2019

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 19-06-2019 in connection with Crime No.26/2019 registered at Police Station – Bamhanidih, District Janjgir-Champa, Chhattisgarh for the offence under Section 363, 376 of the IPC, Section 4 & 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 19-06-2019. 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. 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 below 18 years and then has sexually exploited her.

6. Perused the certified copy of the deposition of the prosecutrix filed along with the petition and it shows that the prosecutrix has not supported the prosecution case in any manner. 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