

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4990 of 2019

- Mahesh Dhruv S/o Late Madan Lal Dhruv, Aged About 20 Years, R/o Mudhipar, Police Station Bhatapara (Gramin), District Baloda Bazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police of Police Station Bhatapara (Sahar), District Baloda Bazar- Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

----Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Chandrabhushan Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-09-2019

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 07-05-2019 in connection with Crime No.183/19 registered at Police Station – Bhatapara (Sahar), District Baloda Bazar- Bhatapara, Chhattisgarh for the offence under Section 376, 506 of the IPC and Section 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 07-05-2019. The prosecutrix in this case was of age above 18 years on the date of incident and she has herself given statement under Section 164 of the Cr.P.C. about her willingness regarding the relationship with the applicant. At a subsequent stage during trial the prosecutrix has been examined and she has made favourable statement for the applicant. Therefore, it is payed that this 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 prosecutrix was minor aged about 17 years on the date of incident when the applicant by putting her under threat committed forceful sexual intercourse with her. Hence, this case.

6. On perusal of the statement of the prosecutrix under Section 164 of the Cr.P.C. as well as the statement of the prosecutrix before the trial Court, the submission made on behalf of the applicant finds support, therefore, 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