

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5049 of 2019

- Shankar Thakur S/o Shri Vikram Thakur, Aged About 25 Years, R/o Village Rakasi, Police Station Ramkanda, District Garhwa Jharkhand., District : Garhwa, Jharkhand

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Incharge, Police Station Ramanujganj, District Balrampur- Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Ms. Soniya Kuldeep, Advocate.

For Non-applicant/State – Mr. Shirkant Kaushik, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-09-2019

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 13-06-2019 in connection with Crime No.105/2019 registered at P.S. - Ramanujganj, District Balrampur- Ramanujganj, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 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 13-06-2019. This applicant has not committed any offence. The prosecutrix has in her statement under Section 164 of the Cr.P.C. clearly denied occurrence of any incident, therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor and presently she is pregnant, therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, on 15-01-2018 when the prosecutrix had been to the village of her aunt this applicant promising that he will marry her has committed offence of rape with her, because of which she has become pregnant.

6. On perusal of the statement under Section 164 of the Cr.P.C. given by the prosecutrix, it is found that she has clearly denied her earlier statement. Therefore, for this reason, 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