

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5500 of 2019

- Abhishek Tamrakar @ Madu, S/o Late Suresh Tamrakar, aged about 27 years, R/o Navapara Ward No.16, Police-Station-Gandhinagar, District-Sarguja, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station:Gandhinagar, District-Sarguja, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Jitendra Shrivastava, Advocate.
For Respondent	:	Mr.Kapil Maini, Panel Lawyer.
For Objector	:	Mr. Gary Mukhopadhyay, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

28/08/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.95/2019 registered at Police Station– Gandhinagar, District– Sarguja(C.G.) for the offence punishable under Sections 376(घ), 506 of the Indian Penal Code and Sections 5(घ)/ 6 of POCSO Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 12.04.2019. Totally false FIR has been lodged against the applicant. The prosecutrix has been examined before the trial Court where she

has not supported the prosecution case, therefore, nothing is left in the prosecution against the applicant, therefore, he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Learned counsel appearing for Informant/complainant/prosecutrix submits that the prosecutrix have no objection in grant of bail to the applicant. Prosecutrix is also present in person before this Court.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, this applicant and one juvenile offender by putting the minor prosecutrix under threat committed the offence of gang rape with her. Hence, this case.
7. Perusing the certified copy of the deposition of the prosecutrix which is filed along with the application which shows that she has not made any single statement against this applicant, therefore, the prosecutrix has declared hostile on this point. Hence, looking to this development and the statement of no objection made by the prosecutrix, I feel inclined to allow the application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge