

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6210 of 2019

- Vijay Tirkey S/o Late Ramnath Tirkey Aged About 21 Years R/o Bhusu Pandripani, P.S. Sitapur, District- Surguja, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Sitapur, District- Surguja, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Dashrath Kushwaha, Advocate.
For Non-applicant/State : Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-11-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application filed before this Court filed by the applicant for grant of regular bail. The earlier application M.Cr.C. No.3420 of 2019 was dismissed as withdrawn on 03.07.2019. The applicant has been arrested on 04.04.2019 in connection with Crime No.26/2019, registered at Police Station– Sitapur, Civil and Revenue, District- Surguja, Chhattisgarh for offence punishable under Sections 363, 366 and 376(2) (N) of the Indian Penal Code and Sections 05(L) and 06 of the POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case. Therefore, prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. The father of prosecutrix is complainant in this case is present before

this Court who has made a statement that he has no objection in granting bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, this applicant abducted the minor prosecutrix and then he has exploited her sexually.
7. Considering the new development in this case that the prosecutrix has been examined and she has not supported the prosecution case, therefore, 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.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge