

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7700 of 2019

- Ashish Chandrawanshi @ Deenu S/o. Shri Vishram Chandrawanshi, Aged About 25 Years, R/o. Village- Raitapara, Thana- Pandatarai, Tahsil- Pandariya, Civil & Revenue District- Kabeerdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Pandatarai, Civil & Revenue District Kabeerdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

----Respondent

For Applicant – Shri Sumit Shrivastava and Shri Sunil Sahu, Advocates.
For State/Respondent – Shri Jitendra Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-12-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 26-05-2019 in connection with Crime No.86/2019 registered at P.S. - Pandatarai, District Kabeerdham, Chhattisgarh for the offence under Section 363, 366, 376(2)(k)(n), 506 of the IPC and Section 04, 06 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that this is second bail application filed by the applicant before this Court. His first bail application, MCRC No.4979/2019 was dismissed as withdrawn on 28-08-2019. The applicant is innocent and has been falsely implicated and the prosecutrix is not minor and she had been a consenting party. The prosecutrix has been examined before the trial Court and it is apparent that she is not a reliable witness because of her admission that she and the applicant had affair. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/Respondent opposes the application submitting that the prosecutrix has supported the prosecution case, therefore, the applicant is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, this applicant abducted the minor prosecutrix and then by keeping her in different places he exploited her sexually which amounts to commission of offence of rape.
6. After considering on the material present in the case diary and also the statement of the prosecutrix before the trial Court and for the reason that the case against the applicant is still pending, 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