

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 324 of 2020

Anku Sharma @ Raman Sharma S/o Late Shri Raju Sharma Aged About 23 Years R/o Near Ice Factory, Purani Basti, Korba, Police Station- City Kotwali, Korba, District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Korba, District Korba, Chhattisgarh.

---- Non-applicant

For the Applicant	: Mr. Soumitra Kesharwani, Advocate.
For Non-applicant/State	: Mr. Priyanshu Gupta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-01-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is a *repeat* bail application filed by the applicant before this Court for grant of regular bail. The earlier bail application MCRC No.3198 of 2019 was dismissed as withdrawn on 22.7.2019 with liberty to revive the same after the examination of the prosecutrix in the case. The applicant has been arrested on 14.3.2019 in connection with Crime No.124/2019, registered at Police Station - Korba, District- Korba, Chhattisgarh for offence punishable under Sections 354 and 376/34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences 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, her mother and the informant have been examined before the Court below who have not at all supported the prosecution case. Hence, it is prayed that the application be allowed.

3. Learned counsel for the State/non-applicant opposes the application. It is submitted that the prosecutrix was a minor in this case and there are other witnesses to be examined who may support the prosecution case. Hence, no case is made out for grant of regular bail to the applicant.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix is minor and she was mentally weak. The allegation against the applicant is that he used to outrage her modesty and then on number of occasions he has committed the offence of rape with her taking benefit of her mental weakness.
6. Considered the entire material and perused the certified copy of the deposition filed alongwith the application of the prosecutrix, mother of the prosecutrix and the informant who have been examined before the trial Court have not at all supported the case of the prosecution. Hence, looking to this development, I feel inclined to grant regular bail to the applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-
(Rajendra Chandra Singh Samant)
Judge