

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 868 of 2020

- Prince @ Chitany Vorge S/o Late Shri Bhagwan Das Vorge, Aged About 19 Years, R/o Lakholi Naka, Rajnandgaon, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station City Kotwali, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

----Non-applicant

For Applicant – Shri Ishan Verma, Advocate.

For Non-applicant/State – Shri Vimlesh Bajpai, Govt. Advocate.

Shri Rajat Agrawal, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-08-2020

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 07-09-2019 in connection with Crime No.502/2019 registered at Police Station - City Kotwali, District Rajnandgaon, Chhattisgarh for the offence under Section 376 (क) & 109 of the IPC and Section 4 of the POCSO Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix and her mother both have been examined in the trial both and they have neither identified the applicant nor have made allegation against him. The applicant is in jail since 07-09-2019. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the FIR and the statement of the prosecutrix and other witnesses clearly named the applicant as one of the persons who has committed offence of rape. Therefore, he is not entitled for grant of bail.

4. Shri Rajat Agrawal, counsel appearing for the complainant submits that the complainant has no objection in grant of bail to the applicant regarding which the complainant and her daughter both have made statement before the Court.

5. Heard the submissions and perused the documents.

6. As per the prosecution case, it is alleged that on the date of incident this applicant and other two co-accused conspired and then committed offence of rape with the minor prosecutrix of age about 14 years regarding which the FIR has been lodged.

7. Considered on the submissions and the facts of the case. Copy of the statement of the victim as well as her mother are filed along with the application, on perusal of the same it is found that the prosecution had declared these witnesses hostile with respect to the case against this applicant and further there is statement of no objection on behalf of the complainant, therefore, looking to this development, 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge