

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1312 of 2020**

Jitendra Kumar Jangde S/o Tajiram Jangde Aged About 29 Years R/o Village Odkakan Thana - Sarsiva And Tahsil-Bilaigarh District Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant***Versus***

State Of Chhattisgarh Through Police Station Sarsiva, District Baloudabazar, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Advocate
For Respondent/State	: Mrs. Fouzia Mirza, Additional A.G.

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

03/06/2020

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.118/2018, registered at Police Station – Sarsiva, District – Baloda Bazar (C.G.) for the offence punishable under Section 354, 376(A) (B) of the Indian Penal Code and Section 5 (M), 5(N), 6, 7, 8, 10 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 07.01.2020. FIR has been lodged against the applicant because of the enmity and the property dispute. The complainant in this case is wife of brother of the applicant and the victim is daughter of his brother. The complainant

has been examined before the trial Court and she has not at all supported the prosecution case. Further the medical examination report of the victim is also negative. Trial in this case is still pending. Hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the victim in this case is merely 8 years and therefore, looking to the gravity of the allegations against this applicant, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, FIR has been lodged alleging that this applicant used to outrage the modesty of the victim on number of occasions, regarding which, she used to make complaint to her parents but nobody believed her. It is alleged that on 28.03.2018, the applicant confined the minor victim age 8 years in his room and had disrobed her. Victim raised alarm because of which other witnesses arrived and then victim narrated to them that the applicant had committed rape with her, regarding which FIR Has been lodged.
6. Considering on the entire material present against the applicant as it is submitted by the counsel for the applicant that in the medical examination report of the victim doctor has not found any injury on her body as well as her private parts. Further the hymen was also found intact, therefore, no opinion was given regarding commission of offence of rape and also on perusing the copy of the deposition of the informant – mother of the victim, it is found that she who has not

supported the prosecution case, because of which, she was declared hostile, therefore, under these facts and circumstances and the development that has taken place, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram