

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1734 of 2020

- Anras Lal S/o Dashrath Ram Aged About 22 Years R/o Village Khairbar Gada Ghat, P. S. Ambikapur, District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ambikapur, District Surguja Chhattisgarh

---- Non-applicant

For Applicant : Mr. C.Jayant K. Rao, Advocate.
For Non-applicant/State : Mr. Sudeep Agrawal, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-05-2020

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 22.05.2019 in connection with Crime No. 279/2019, registered at Police Station- Ambikapur, District- Surguja, C.G. for offence punishable under Sections 363/34, 366-~~क~~/34, 354-~~ख~~/34, 376(~~घ~~)(~~क~~)/34, 342/34 of I.P.C. and Section 5(~~ठ~~) read with Section 6 and Section 9(~~ठ~~) read with Section 10 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 22.05.2019 and has been falsely implicated in this case. The prosecutrix in this case has been declared hostile by the prosecution in the trial, therefore, the applicant is entitled for grant of bail.

3. Learned counsel for the State/non-applicant formally opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to prosecution case, this applicant has abducted the minor prosecutrix and then has committed the offence of rape with her. Hence, this case.
6. On perusal of the certified copies presented by the applicant filed along with the petition, it is found that prosecutrix is not at all supported the prosecution case. Therefore, looking to this development, 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