

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1651 of 2020

- Raghuvir Singh Verma S/o Late Paltan Singh Verma, Aged About 59 Years, R/o Ward No.15, Nayapara, Bemetara, Police Station and District Bemetara, Chhattisgarh, District : Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bemetara, District Bemetara, Chhattisgarh, District : Bemetara, Chhattisgarh

----Non-applicant

For Applicant – Shri Y.C. Sharma, Advocate.

For Non-applicant/State – Shri V.R. Tiwari, Additional A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-06-2020

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 08-07-2019 in connection with Crime No.368/2019 registered at Police Station - Bemetara, District Bemetara, Chhattisgarh for the offence under Section 376, 323 of the IPC and Section 3/4 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 08-07-2019. The applicant has not committed any offence. The victim in this case has been examined before the trial Court, she has not identified the applicant and also she has stated very clearly that the applicant has not committed any offence with her. The parents of the victim have also turned hostile. Therefore, no case is made out against this applicant. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that although the material witnesses have not supported the prosecution case, but the doctor is yet to be examined and the medical report

is very clearly against the applicant. Hence, this application may be rejected.

4. Heard learned counsel for the parties and perused the documents.

5. According to the prosecution case, this applicant called the minor victim of age 10 years inside his place of residence and then has committed offence of rape with her, regarding which the FIR has been lodged.

6. On perusal of the copy of the deposition of the victim as well as her parents which have been filed along with the petition, it is found that these witnesses have not at all supported the prosecution case, therefore, looking to this development, I am of this view that this applicant should be granted bail.

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