

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1694 of 2020

- Harigopal S/o Amritram, Aged About 22 Years, By Caste Bairagi, R/o Village Barkela, Police Station Darima, District Sauguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Darima, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Mr. Goutam Khetrapal, Advocate.

For Non-applicant/State – Ms. Hamida Siddique, Deputy Advocate General.

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 08-12-2019 in connection with Crime No.161/2019 registered at P.S. - Darima, District Surguja, Chhattisgarh for the offence under Section 363, 366, 376(2)(ढ)(ज) of the IPC & Section 5 (ढ)(थ) / 6 of Protection of Children from Sexual Offences Act, 2012 & Section 3, 2(V) SC/ST Act 1989 (as per challan).

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 08-12-2019. No case is made out against the applicant. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. According to the prosecution case, the applicant on pretext of marrying

the minor prosecutrix has exploited her sexually on number of occasions because of which she became pregnant, later on he refused to marry that is why the FIR has been lodged.

6. On perusing the certified copy of the deposition of the prosecutrix filed along with the application, it is found that she has been declared hostile for not supporting 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