

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1858 of 2020

- Ravi Kumar Rathore S/o Ramkumar Rathore Aged About 21 Years R/o Village Dharashiv, P. S. Pamgarh, District Janjgir Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S. H. O., P. S. Pamgarh, District Janjgir Champa Chhattisgarh

---- Non-applicant

For Applicant : Mr. Ravindra Sharma, Advocate.

For Non-applicant/State : Mr. Sudeep Agrawal, Dy. 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 05.02.2020 in connection with Crime No.45/2020, registered at Police Station-Pamgarh, District- Janjgir-Champa, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Section 6 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 05.02.2020 and has been falsely implicated in this case. The prosecutrix has been examined before the trial Court in which she has not at all supported the prosecution case. Therefore, nothing is left against this applicant in the trial against him, hence, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant formally opposes the application and submits that according to the statement of prosecutrix

under Section 161 and 164 of Cr.P.C., there is no case made out for grant of bail to the applicant.

4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, this applicant allured the minor prosecutrix with a false promise to marry her and then exploited her sexually on a number of occasions, because of which this F.I.R. has been lodged.
6. On perusal of the certified copy of the deposition of the prosecutrix herself and her father, it is found that they have not at all supported the prosecution case by which they have been declared hostile. Therefore, under these circumstances and 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