

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1970 of 2020

- Maansoon Kumar Yadav S/o Mangal Sai Yadav Aged About 28 Years Resident Of Sardih, Police Station Bagicha, District Jashpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Chowki Ganeshmod, Police Station Balrampur, District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate.
For State/respondent	: Mr. Devendra Pratap Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/06/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.190/2019 registered at Police -Station-Balrampur, Police-Chowki-Ganeshmod, District-Balrampur, Ramanujganj(C.G.) for the offence punishable under Section 363, 366, 342, 506, 376D(A, 34 of IPC and Section (3-4), (5-6) POCSO Act, 2012.

2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant is in jail since 1.11.2019. No case is made out against the applicant. The prosecutrix has not identified the applicant and also she has exonerated the applicant in her statement before the Court, therefore, it is prayed that he may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the prosecutrix has clearly identified the applicant in the TIP (Test Identification Parade), therefore, his involvement in this case cannot be ruled out, hence, application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the minor prosecutrix left her parental home because of some annoyance and was waiting for bus in the bus stand. She has alleged that two boys forcefully abducted her and after taking her to a place, one of them committed the offence of rape with her. After lodging of FIR, the applicant and the other co-accused person has been identified in the TIP.
6. As per the case, this applicant is not the person, who has raped the prosecutrix and further the new development that has taken place that the prosecutrix has not identified the applicant as one of the culprit in the Court, I feel inclined to allow the bail application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on

furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha