

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1972 of 2020**

Harishankar Uraon S/o Laxman Prasad Uraon Aged About 27 Years R/o Sarwani, Police Station Kharsiya, District Raigarh Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Kotra Road, District Raigarh Chhattisgarh.

---- Respondent

For the Applicant : Shri Ashish Gupta, Advocate.
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.07.2020**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.255 of 2019, registered at Police Station – Kotra Road, District – Raigarh, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 13.9.2019 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix has been examined before the trial Court and she has admitted in her cross-examination that there had been no physical relation with the applicant. Apart from that, Complainant -

Shyamlal has appeared before this Court on 14.7.2020 and stated that he has no objection in grant of bail to the applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the prosecutrix was below 16 years on the date of incident and she has made a categorical statement under Section 164 of the Cr.P.C. against the applicant regarding the commission of offence of rape. Similarly, she has also made same statement before the Court in her examination-in-chief. Hence, no case is made out for grant of bail to the applicant.

4. Complainant - Shyamlal has appeared before this Court on 14.7.2020 and stated that he has no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. It is alleged that this applicant abducted the minor prosecutrix of age below 16 years and then he exploited her sexually on pretext of marrying her.

7. Considered the submissions and also perused the certified copy of the deposition of the prosecutrix. After overall consideration, I am of the considered view that this is a fit case for grant of regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge