

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2078 of 2020

- Sandeep Prajapati S/o Nankuram Prajapati, Aged About 23 Years, R/o Atal Awas Pendri, Quarter No.23, Police Station Lalbagh, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Out Post Surgi, Police Station Basantpur, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

----Non-applicant

For Applicant – Shri S.S.Baghel, Advocate.

For Non-applicant/State – Shri Raveesh Verma, Govt. Advocate.

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 01-06-2019 in connection with Crime No.189/2019 registered at P.S. - O.P. Surgi, Police Station Basantpur, District- Rajnandgaon, Chhattisgarh for the offence under Section 363, 366, 376(3) of the IPC and Section 4, 6 of the POCSO 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 01-06-2019. No case is made out against the applicant. The prosecutrix has been examined before the trial Court who has not at all 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 submitting that the prosecutrix was minor on the date of incident and according to the statement given by her under Section 161 and 164 of the Cr.P.C., the applicant is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the documents.

5. According to the prosecution case, this applicant abducted the minor prosecutrix of age below 16 years and then he has exploited her sexually on number of occasions regarding which the FIR has been lodged.

6. After considering the facts and circumstances of this case and perusing the certified copy of the deposition of the prosecutrix filed along with the application, I am of this view that a development has taken place in the trial on the basis of which this applicant is entitled for grant of 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