

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2880 of 2020

- Sheetal alias Raj Maithil Kshatriya, S/o Late Suresh, Aged About 19 Years, R/o Shanti Nagar, Chikhali, O.P. Chikhali, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through the Police Station Lalbagh, District - Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

----Non-applicant

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

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-06-2020

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 15-10-2019 in connection with Crime No.200/2019 registered at Police Station - Lalbagh, District - Rajnandgaon, Chhattisgarh for the offence under Section 363, 366, 376(2)(अ) of the IPC and Section 3(2)(V) of the S.C-S.T. Act & Sections 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. No case is made out against him. The applicant is in jail since 15-10-2019. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case. Therefore, it is prayed that the application may be allowed.
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, this applicant abducted the minor prosecutrix who is a member of Scheduled Caste and then he has exploited her sexually.

6. Copy of deposition of the prosecutrix is filed along with the application which shows that the prosecutrix has been declared hostile by the prosecution for not supporting the prosecution case. 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