

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2960 of 2020

Sudarshan Dewangan @ Bau, S/o. Premlal Dewangan, aged about 35 years,
R/o. Bendarwani, P.S. Ghumka, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station
Ghumka, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	: Mr. S.S. Baghel, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/07/2020

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.110/2019, registered at Police Station – Ghumka, District – Rajnandgaon (C.G.) for the offence punishable under Section 450, 376 (3), 376(2) (ब) of the Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The medical report does not support the prosecution case and also the prosecutrix, who has been examined

before the trial Court is not a reliable witness. The applicant is in jail since 02.07.2019. Hence, it is prayed that the applicant may 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 and she has made categorical statement in the investigation, therefore, the applicant is not entitled for grant of bail.
4. Complainant Ankalhin Bai is present in person before this virtual Court through Help Desk of this High Court. She has stated that she has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that the applicant committed house trespass of the prosecutrix and then committed the offence of rape with the minor prosecutrix on 26.06.2019 regarding which FIR was lodged on 01.07.2019.
7. Considered on the submissions that the FIR is delayed by five days and the medical report also does not give any definite opinion, which is found confirmed from the case in the investigation, therefore, after due consideration and also for the reason that the complainant has no objection in grant of bail to the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on

regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram