

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2933 of 2020

- Pawan Sidar S/o Vimal Sidar, Aged About 30 Years, R/o Indra Chowk, Pathripara, Police Assistance Centre, Rampur, Police Station Kotwali, Korba, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station A.J.K., Korba, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

----Non-applicant

For Applicant – Shri Shailendra Dubey, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-06-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is fourth bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 16-03-2018 in connection with Crime No.12/2018 registered at Police Station – A.J.K. Korba, District Korba, Chhattisgarh for the offence under Section 376(D), 456, 190, 34 of the IPC and Section 4, 5 (g) of POCSO Act and Section 3(2)(5) of SC, ST Act.

2. It is submitted on behalf of the applicant that this is fourth bail application filed by the applicant before this Court. His first application, MCRC No.6259/2018 was dismissed as withdrawn on 16-11-2018. His second bail application, MCRC No.1315/2019 was also dismissed as withdrawn on 26-03-2019. His third bail application, MCRC No.5668/2019 was also dismissed as withdrawn on 27-11-2019. It is further submitted that the applicant has undergone more than two years in jail. The prosecutrix has been examined before the trial Court and she has made some admissions which are in favour of this applicant. Apart from that, the mother of the prosecutrix has also turned

hostile in the Court. Therefore, nothing is left against this applicant in the prosecution case. Hence, it is prayed that in the present development of circumstances the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the submission made and submits that in the statement of the prosecutrix before the police and also before the Court in examination-in-chief she has very categorically made allegations against this applicant. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the documents.

5. Earlier application have not been considered and decided on merit. It is alleged that the minor prosecutrix had been to the house of co-accused Anuj and was waiting for him inside his house, then this applicant came inside and he forcefully raped her.

6. Considered on the entire documents that have been filed along with the application. It appears that the applicant is in jail since about two and half years and there is no likelihood that the trial in the case shall proceed in the present pandemic situation when the Courts are not functioning normally, therefore, without commenting on the statement of the prosecutrix and other witnesses that have been made before the trial Court, I am of this view that for the present it would be proper to release the applicant on 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