

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3015 of 2020

- Tameshwar Nishad S/o Maya Ram Nishad, Aged About 21 Years R/o Village Janghora, Police Station Pithora, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Office, Police Station Tendukona, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	: Mr. Raghvendra Pradhan, Advocate.
For State/respondent	: Mrs. Richa Shukla, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/06/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.85/2019 registered at Police -Station- Tendukona, District- Mahasamund(C.G.) for the offence punishable under Sections 363, 366, 376(2)(n) of IPC, Section 6 of POCSO Act and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act, 1989.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant is in

jail since 16.8.2019. The prosecutrix and her father both have been examined, who have not at all supported the prosecution case, therefore, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, this applicant abducted the minor prosecutrix and then he has exploited her sexually continuously, regarding which FIR has been lodged.
6. The trial against the applicant has commenced in which the prosecutrix and her father both have been examined. The certified copy of deposition of prosecutrix and her father both have been produced along with the application, which disclose that the prosecutrix and her father both the witnesses have been declared hostile, for not supporting the prosecution case, hence, looking to the development of this case, I feel inclined to allow the bail application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge