

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3099 of 2020

Ramchandra Mandavi, S/o Ghassu Ram Mandavi, Aged About 31 Years,
Caste Gada, Resident of Village Gondbeenapal, Police Station and Tahsil
Antagarh, District- Kanker (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through: Station House Officer, Police Station
Antagarh, District- Kanker (C.G.)

--- Respondent

For Applicant : Mr. Rajkumar Pali, Advocate.

For Respondent : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11/06/2020

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. 85/2019, registered at Police Station- Antagarh, District- Kanker (C.G.) for the offence punishable under Sections 376(2)(n) of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 29.01.2019 and has been falsely implicated in this case. No case is made out against the present applicant. The prosecutrix has been examined before the trial court and has not supported case of the prosecution, therefore, under these circumstances, it is prayed that the applicant be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail application submitting that it is a heinous offence in which being

uncle of the prosecutrix, the applicant has exploited minor prosecutrix sexually, therefore, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the records.
5. As per the facts of the case, the allegation against the applicant is that the minor prosecutrix has lodged FIR that prior to two years, the applicant has committed offence of rape with her.
6. Considering the FIR which is delayed by two years and also that new development has taken place, that the prosecutrix has turned hostile before the trial court. Certified copy of the deposition sheet is also enclosed with the application which reflects the same, therefore, I am of the view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge