

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3125 of 2020

Rohit Markam, S/o. Rajesh Markam, aged about 22 years, R/o. Village Ayodhyapuri, P.S. Darri, District- Korba, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : P.S. Darri, District- Korba, Chhattisgarh.

---- Respondent

For Applicant	: Mr. F.S. Khare, Advocate
For Respondent/State	: Mr. Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/08/2020

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.112/2019, registered at Police Station – Darri, District – Korba (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act.
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 prosecutrix has been examined before the trial Court and in her statement, she has not made any kind of allegation against the applicant. On the other hand, she has said that she willingly left her household for the reason that she was aggrieved with

her own father, therefore, it is prayed that the applicant may be released 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 there is material in prosecution according to which, the applicant is not entitled for grant of bail.
4. The prosecutrix/complainant is present before this virtual Court through Help Desk of this High Court and 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 this applicant abducted the minor prosecutrix and then he has committed the offence of rape with her.
7. Considered on the submissions and other facts of the case. Perused the certified copy of the deposition of the prosecutrix, which is filed along with the bail application, which shows that she is a hostile witness, therefore, looking to this development, 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