

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3228 of 2020

1. Anant Ram S/o Maansai Aged About 19 Years R/o Village Kotpaad Bondaguda P.S. Koraput State Orissa.
2. Damrudhar @ Dumardhar Nag S/o Son Singh Nag Aged About 36 Years R/o Nagarnaar Jagdalpur District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicants

Versus

1. State Of Chhattisgarh Through P.S. Nagarnaar District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicant	: Mr. Vikas A. Shrivastava, Advocate.
For State/respondent	: Mr. Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/06/2020

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 they are in custody in connection with Crime No.253/2019 registered at Police -Station-Nagarnaar, District-Bastar(C.G.) for the offence punishable under Section 363, 376, 34 of IPC and Section 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. No case is made out against the applicants. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case,

therefore, nothing is left against these applicants, it is prayed that they 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. It is alleged that both these applicants abducted the minor prosecutrix then they have committed the offence of rape with her.
6. Perused the certified copy of deposition of the prosecutrix filed along with application, according to which she is a hostile witness who has not at all supported the prosecution case, therefore, looking to this development, I feel inclined to allow the bail application of these applicants.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for thier appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha