

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3249 of 2020

- Dhaneshvar Paikra S/o Jhari Paikra Aged About 24 Years R/o Toni Uskonipara, Thana Pasta, District Balrampur-Ramanujganj Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Pasta, District Balrampur-Ramanujganj Chhattisgarh

---- Non-applicant

For Applicant : Mr. Vikash Pandey, Advocate.

For Non-applicant/State : Mr. Sudeep Agrawal, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-06-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 08.06.2019 in connection with Crime No.38/2019, registered at Police Station- Pasta, District- Balrampur Ramanujganj, C.G. for offence punishable under Sections 376(2)(n) of I.P.C. and Sections 4 and 6 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 08.06.2019 and 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 she has not supported the prosecution case. Therefore, nothing is left against the applicant. Hence, it is prayed that his application may be allowed.
3. Learned counsel for the State/non-applicant formally opposes the application.

4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, it is alleged that this applicant has ravished the minor prosecutrix sexually regarding which the F.I.R. has been lodged.
6. On considering that the prosecutrix in this case has been examined in trial and she has not supported the prosecution case for which she has been declared hostile by the prosecution. Therefore, looking to this development, I feel inclined to allow this application.
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