

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3417 of 2020

- Dhirendra Uike @ Pintu S/o Bhagwan Uike, Aged About 21 Years, R/o Ranitarai, Police Station and District Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through S.H.O. Police Station Balod, District Balod, Chhattisgarh., District : Balod, Chhattisgarh

----Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

For Non-applicant/State – Shri Sudeep Verma, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-06-2020

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 06-01-2020 in connection with Crime No.06/2020 registered at Police Station - Balod, District Balod, Chhattisgarh for the offence under Section 363, 366, 376(2)(N) of the IPC and Section 4, 5(३), 6 of Protection of Children from Sexual Offences Act 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against him. The applicant is in jail since 06-01-2020. The prosecutrix and her mother both have been examined before the trial Court who have not supported the prosecution case. According to the statement of the prosecutrix, she is major on the date of incident. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the documents.

5. The mother of the prosecutrix lodged the FIR in the police station that the applicant abducted the minor prosecutrix and has exploited her sexually

because of which she has become pregnant.

6. Considering the statement that has been later on given by the prosecutrix and her mother in the Court because of which they have been declared hostile by the prosecution, 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