

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3410 of 2020

Avinash Prajapati, S/o Jageshwar Ram, Aged About 23 Years, R/o Village Satpata, P.S. Vishrampur, Tehsil & District- Surajpur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Vishrampur, District- Surajpur (C.G.)

--- Respondent

For Applicant : Mr. Shakti Raj Sinha, Advocate.

For Respondent : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15/06/2020

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. 209/2019, registered at Police Station- Vishrampur, District- Surajpur (C.G.) for the offence punishable under Sections 363/34, 366/34, 376D of IPC, Section 3 (2-5) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and Section 6/34 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 23.11.2019 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 she has not made a single statement against this applicant. All the

allegations are against the co-accused namely Rajendra Prajapati. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned counsel for the applicant further submits that the name of father of the applicant has been wrongly mentioned as Jageshwar Ram in the rejection order and also in the application for grant of bail. As per the charge-sheet, name of father of the applicant is Chandra Dev.
4. On the other hand, learned counsel for the State opposes the bail application submitting that firstly case diary is not available and secondly, the deposition which has been recorded by the trial court cannot be appreciated for the purpose of granting bail, therefore, the applicant is not entitled for grant of regular bail.
5. Heard counsel for both the parties and perused the records.
6. As per the facts of the case, the minor prosecutrix was abducted and sexually exploited by the co-accused Rajendra Prajapati. The prosecutrix is a member of SC/ST community. Allegation against the present applicant is that he has assisted and abetted the main accused in commission of offence. Certified copy of deposition of the prosecutrix has been filed and after perusal of the same, 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

Arun