

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3483 of 2020

- Rahul Singh S/o Shri Saroj Singh @ Brijbhushan Singh, Aged About 22 Years, R/o Rajpur, P.S. Rajpur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Rajpur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Ms. Soniya Kuldeep, Advocate.

For Non-applicant/State – Mr. Siddarth Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-06-2020

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 10-08-2019 in connection with Crime No.174/2019 registered at Police Station - Rajpur, District Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 363, 366, 376(2)(n) of the IPC, Section 5, 6 of POCSO Act and Section 3(2)(V)(a) of the SC/ST (Atrocities) Act.

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. According to the entry in the school register, age of the prosecutrix was 17 years and five months on the date of incident. However, the applicant intends to challenge the same as according to him, the prosecutrix was major on the date of incident. It is further submitted that the prosecutrix has been examined before the trial Court and she has not at all supported the prosecution case. Therefore, it is prayed that the application may be allowed.

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

and submits that according to the entry in the Adhar Card, the age of the prosecutrix was below 16 years on the date of incident and also looking to the statement of given by the witnesses in the investigation, no case is made out for grant of bail.

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

5. As per the prosecution case, it is alleged that this applicant has abducted the minor prosecutrix who is also a member of SC/ST and then he has exploited her sexually.

6. Considered on the submissions. According to the present view, it is only entry in the school register which is relied upon in the prosecution cases and that entry shows that the prosecutrix was above 17 years on the date of incident. Further, for the reason that the prosecutrix has been declared as hostile witness by the prosecution in the trial against the applicant. Hence, I am of this view that it is a fit case for grant of bail to this applicant.

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