

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3528 of 2020

- Basant Kumar Rajwade S/o Manijar Ram Rajwade, Aged About 22 Years, R/o Village Dodhipara, Bhithikala, Chowki-Manipur P.S.- Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, P.S.- Ambikapur, District - Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Shri Sandeep Dubey, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-06-2020

1. Learned counsel for the applicant submits that the default has been cured.
2. Registry is directed to verify.
3. 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 20-09-2019 in connection with Crime No.35/19 registered at Police Station - Ambikapur, District Surguja, Chhattisgarh for the offence under Section 354 (two times), 354(Ka)(two times), 354(Kha) (two times), 294(three times), 506-Part-II (three times) of the IPC including Section 7 & 8 of Protection of Children from Sexual Offences (POCSO) Act, 2012.
4. It is submitted on behalf of the applicant that the material witnesses of this case have been examined before the trial Court and not a single witness who has been examined has supported the prosecution case. The applicant is in jail since 20-09-2019. Therefore, it is prayed that the applicant may be

granted bail.

5. Learned counsel for the State/non-applicant opposes the application submitting that the case diary is not available and further the Sessions Court has also not considered the hostility of the witnesses for granting bail, therefore, the application may be rejected.

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

7. According to the prosecution case, it is alleged that this applicant abused, threatened the minor victims of this case and he has also by using physical force outraged their modesty.

8. Copy of the statement of material witnesses have been filed along with the bail petition and it is found that both the minor victims have been examined before the trial court who have been declared hostile by the prosecution. Therefore, looking to this development, I feel inclined to allow this application.

9. 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.

10. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge