

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4011 of 2020

- Ganga Ram S/o Shri Samaruram Nishad, Aged About 20 Years, R/o Village Doma, Police Station Mujgahan, District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh through Police Station Mujgahan, District Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Pragalbha Sharma, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-07-2020

1. Notice issued to the complainant/informant has been returned served, but there is no appearance and no representation in this behalf.
2. 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 20-03-2020 in connection with Crime No.66/2020 registered at Police Station - Mujgahan, District Raipur, Chhattisgarh for the offence under Section 363, 366, 376, 509 R/w 34 of the IPC and under Section 4 & 6 of POCSO Act.
3. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. There is no allegation against this applicant regarding his participation in commission of the offence of rape, which is reflected from the statement given by the prosecutrix herself under Section 164 of the Cr.P.C., which shows that the applicant had left before the incident of rape took place and the allegation of rape is only against co-accused Dharmendra. Therefore, no case is present against this applicant. Therefore, it is prayed that he may be granted bail.
4. Learned counsel for the State/non-applicant opposes the application

and submits that the prosecutrix has made statement against this applicant in her statement under Section 164 of the Cr.P.C., therefore, he is not entitled for grant of bail.

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

6. As per the prosecution case, it is alleged that the minor prosecutrix of age about 13 years was abducted by co-accused Dharmendra and taken to a place where this applicant and one another were present who had brought the eatables and after some time the applicant and other co-accused left the place. In further development, co-accused Dharmendra has raped the prosecutrix later on in that place.

7. Considering on the submissions and also facts of the case, I am of this view that the applicant is entitled for grant of bail.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge