

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.4754 of 2020

- Anod Rajbhar S/o Jiut Rajbhar, Aged About 21 Years R/o Chhoti Chavri, Police Chowki Ratsar, Police Station Gadwar, District Baliya (Uttar Pradesh)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tikrapara, Raipur, District Raipur Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Pradeep Singh Rathore, Advocate.
For Non-applicant/State	: Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 18.10.2018, in connection with Crime No.254/2018, registered at Police Station- Tikrapara, Raipur, District- Raipur, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C., 1860 and Sections 03 and 04 of POCSO Act, 2012
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case and no case is made out against the applicant. The prosecutrix has not supported the prosecution case in her statement before the Magistrate under Section 164 of Cr.P.C. itself and further, she has also turned hostile in the trial. The applicant is in jail since 18.10.2018, therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor and her hostility alone in the trial cannot be the sole criteria for granting bail to the applicant.
4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then by keeping her in his custody he has exploited her sexually which amounts to commission of offence of rape. Subsequently, the prosecutrix was recovered from his custody. Hence, this case.
6. Considered on the submissions and the facts of the case, the development that has taken place is this that the prosecutrix herself has not supported the prosecution case in the trial. Hence, for these reasons, 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, on condition as imposed by the concerned Court.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge