

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.5668 of 2020

- Mohan Kunjam, S/o Budhram Kunjam, Aged About 23 Years, Residing At Village Chidpal Police Station Darbha, District Bastar, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - The Police Station Darbha, District Bastar, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Shri P. K. Tulsyan, Advocate
Shri K. K. Singh, GA

Prosecutrix is present through Video
Conferencing Centre of DLSA, Jagdalpur

Proceeding through Video Conferencing

Hon'ble Justice Shri Prashant Kumar Mishra

Order On Board

05/10/2020

1. The applicant has preferred this bail application under Section 439 of the CrPC, as he has been arrested in connection with Crime No.69/2015, registered at Police Station Darbha, District Bastar (C.G.) for the offence punishable under Sections 363, 366 (A) & 376 of the IPC and Section 6 of the POCSO Act.
2. Although the victim was aged about 15 years on the date of incident i.e. on 20.10.2015 when she was abducted and subjected to sexual intercourse, but while examined in the Court, the victim has not supported the prosecution.

3. Today also when the victim appeared before us through Video Conferencing at DLSA , Jagdalpur, she denied that the applicant has ravished her. When it was specifically asked to her as to whether the applicant be released on bail or not, she stated that the applicant may be released on bail.
4. Learned State counsel would oppose the prayer for grant of bail.
5. Considering the entire facts situation of the case and for the fact that the applicant is in jail since 07.11.2019, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
Prashant Kumar Mishra
Judge

Nirala