

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5926 of 2020

- Basant Majhwar S/o Rathuram Majhwar Aged About 29 Years R/o Pahad Korja, PS Udaipur, District Surguja, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Chowki Kedma P.S. Udaipur, District Surguja, Chhattisgarh

---- Non-Applicant

For Applicant : Shri Jitendra Shrivastava, Advocate.
For Non-Applicant : Ms. Fouzia Mirza, Additional AG.

Proceeding Through Video Conferencing

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

05/10/2020 :

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.85/2019 registered in Police Station Udaipur, Chowki Kedma, District Surguja for offence under Section 363, 366-ka, 368, 376(2)(n) of the IPC and Section 5 (Th) read with Section 6 of the POCSO Act.
2. The applicant has abducted the prosecutrix, restrained her in his house and committed forcible sexual intercourse for a period of about one week.

3. Although the prosecutrix is aged about 16 years & 7 months, but while examined in the Court in course of trial, she has not supported the prosecution. She has denied the incident.
4. Considering the entire fact situation of the case, and for the fact that the applicant is in jail since 28.9.2019, this Court is inclined to release the applicant on bail.
5. Accordingly, the 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/-
Judge
(Prashant Kumar Mishra)

Barve