

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6290 of 2020

- Dashmet W/o Late Vanshlal Aged About 29 Years, By Caste Gond, Occupation Labour R/o Village Darhora, P.S. Chandraura, Tahsil Pratappur, District Surajpur (Chhattisgarh) (Age wrongly mentioned as 35 years in the cause title of the impugned order), District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Police Station – Chandraura, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sanjay Pathak, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

27-11-2020

1. 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 23-07-2020 in connection with Crime No.56/2020 registered at Police Station – Chandraura, District Surajpur, Chhattisgarh for the offence under Section 363, 366A, 368, 376 of the IPC and Section 4, 5, 6 and 17 of POCSO Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant has not committed any offence. The prosecutrix has stated before the Magistrate under Section 164 of the Cr.P.C. that the applicant was not the person who had instigated her, therefore, no case is made out against this applicant. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix has clearly leveled allegation against this applicant in her statement under Section 161 of the Cr.P.C. regarding her assistance and facilitation of commission of offence by co-accused person.

Therefore, no case is made out for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. As per the prosecution case, it is alleged that co-accused Mahesh enticed the minor prosecutrix with false promise to marry her and then after abducting her he kept her in his custody and exploited her sexually. It is alleged that this applicant facilitated in the said abduction and commission of offence of rape.

6. Considered on the submissions and the facts present in the case. Looking to the statement that has been given by the prosecutrix under Section 164 of the Cr.P.C. which is an improvement over her previous statement with respect to this applicant, 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 her 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 her appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge