

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6386 of 2020

- Sitaram Vaishnav S/o Radheshyam Vaishnav Aged About 21 Years
Residence Of Baradwar, District Janjgir Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Balko Korba, District
Korba Chhattisgarh

---- Non-applicant

For Applicant : Mr. Vikash Pandey, Advocate.

For Non-applicant/State : Ms. Fauzia Mirza, Addl. Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 14.08.2019 in connection with Crime No.208/2019, registered at Police Station- Balko, Korba, District- Korba, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C., 1860 and Section 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 been examined in the trial and she has not at all supported the prosecution case. Therefore, looking to this development, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application.
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 of age below 18 years and then on pretext of marrying her, the applicant exploited her sexually, which amounts to the commission of offence of rape. Hence, this case.

6. Considered on the submissions and the facts of the case and also the certified copy of the deposition of prosecutrix that is filed along with the application which shows that she has been declared hostile by the prosecutor by not supporting the prosecution case, therefore, under these circumstances, 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