

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6585 of 2020

- Suraj Markam S/o Laxminarayan @ Rajesh Markam, Aged About 19 Years, R/o Kandra Para, Kariadama, P.S.- Kharora, Raipur, District- (Revenue and Civil) - Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station- Kharora, District- Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Yogesh Pandey, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-11-2020

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 24-06-2020 in connection with Crime No.160/2020 registered at P.S. - Kharora, District- Raipur, Chhattisgarh for the offence under Section 376 (3), 305 of the IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The incident in which the prosecutrix set herself ablaze, took place on 20-06-2020. Her first dying declaration was recorded on 21-06-2020 in which she made no allegation against this applicant. However, in later on development the prosecutrix has made statement against the applicant in her second dying declaration recorded on 22-06-2020, which shows that she was under some influence to make such statement. The applicant is innocent, the allegations against him are false. He is in jail since 24-06-2020. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application

and submits that the prosecutrix is minor of age only 15 years and secondly, she has made clear statement alleging against the applicant in her second dying declaration recorded on 22-06-2020 and also in her statement under Section 164 of the Cr.P.C. given before the Magistrate. Therefore, the applicant is not entitled for grant of bail.

4. The prosecutrix has appeared before this virtual Court through Help Desk of DLSA Raipur. She has made statement that she has no objection in grant of bail to the applicant and on the other hand she is keen to get the applicant released on bail.

5. Heard the submissions made and perused the documents.

6. As per the case, it is alleged that this applicant committed offence of rape with the minor prosecutrix on 19-06-2020. The prosecutrix then made attempt to commit suicide by setting herself ablaze on 20-06-2020. In her first dying declaration recorded on 21-06-2020 she has made no allegation against any person. However, in later on development in her second dying declaration and also in the statement given to the police she has made allegations against this applicant. Hence, the FIR has been lodged.

7. Looking to the development of conditions in the investigation and also considering the statement of no objection made by the prosecutrix herself, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge