

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6902 of 2020

- Parshottam Giri @ Rajnand S/o Ramkhelawan Giri, Aged About 25 Years, Occupation Labour, R/o Village Nawki, P.S. and Tehsil Rajpur, District Balrampur-Ramanujganj (Chhattisgarh) (wrongly mention in order sheet as Surguja Actual District is Balrampur-Ramanujganj), District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, through the Station House Officer, P.S. Kotwali, Ambikapur District Surguja Chhattisgarh. (as per challan), District : Surguja (Ambikapur), Chhattisgarh **---- Non-applicant**
- Ramsurat Giri S/o Jairam Giri, Aged About 45 Years, R/o Village Nawki, Rajpur, District Balrampur-Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh **Complainant/Non-applicant**

For Applicant – Shri Jitendra Shrivastava, Advocate.

For Non-applicant - State – Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-12-2020

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 19-06-2017 in connection with Crime No.166/2017 registered at Police Station - Kotwali, Ambikapur, District Surguja, Chhattisgarh for the offence under Section 363, 365, 376, 506, 366, 114 of the IPC and Section 4, 5(ढ)/6 of POCSO Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. A totally false FIR has been lodged against the applicant. He is in jail since 19-06-2017. Complainant Ramsurat Giri, father of the prosecutrix and another witness, mother of the prosecutrix Smt. Rajkumari both have been examined before the trial Court who have not supported the prosecution case. The prosecutrix is not turning up for examination in the trial. The applicant is in jail since about three and half years. Therefore, it is prayed that he may be granted bail.

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

and submits that age of the prosecutrix had been only 14 years at the time of the incident and further she has made clear statement in the investigation making allegation of rape against the applicant. Therefore, the applicant is not entitled for grant of bail.

4. Complainant Ramsurat Giri is virtually present before this Court through Help Desk of DLSA Ambikapur. He has stated that he has no objection in grant of bail to the applicant.

5. Heard the submissions made and perused the case diary.

6. According to the prosecution case, this applicant abducted the minor prosecutrix of age 14 years on 09-02-2017 regarding which the FIR was lodged on 09-04-2017 and it is alleged that this applicant by keeping her in his custody has exploited her sexually.

7. Considered on the submissions and facts of the case. It is to be taken note of that the applicant is in jail since about three and half years. Relevant witnesses, namely, parents of the prosecutrix have been declared hostile by the prosecutor in the trial and the prosecutrix herself is not turning up for her examination in the Court. It has been informed by the complainant that the prosecutrix has been married elsewhere since about three years. Therefore, under these circumstances and looking to the delay in conclusion of the trial, 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