

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6973 of 2020

- Devi Prasad Kahra S/o Samaru Kahara, Aged About 42 Years, Valmiki Atal Awas Pumphouse 15 Block Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through - Police Station Korba, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sumit Singh, Advocate.

For Non-applicant/State – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-11-2020

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 06-06-2019 in connection with Crime No.326/2019 registered at Police Station - Korba, District Korba, Chhattisgarh for the offence under Section 354, 294, 323 of the IPC and Section 8 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The victim and her mother both have been examined in the trial and they have not supported the prosecution case. The applicant is in jail since 06-06-2019. Therefore, it is prayed that the applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the documents.
5. As per prosecution case, it is alleged that on the date and time of the incident this applicant used physical force to outrage modesty of the minor victim of age only 14 years and then he also abused and caused simple hurt to her, regarding which the offences have been registered.

6. Considered on the submissions and the facts of the case and also perused copy of the deposition of the victim and her mother which is filed along with the application, it shows that both these witnesses have been declared hostile by the prosecutor for not supporting the prosecution case. Hence, under these circumstances, I feel inclined to allow this application.

7. Consequently, this application filed by the applicants 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge