

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7430 of 2020**

Ratilal Chouhan, S/o. Punit Chouhan, aged about 25 years, Resident of Village Baradoli, Police Station and Tahsil Saraipali, District Mahasamund Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station Office, Police Station Saraipali, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant : Mr. Raghavendra Pradhan, Advocate

For Respondent/State : Mr. Adil Minhaj, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**15/12/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.338/2019, registered at Police Station –Saraipali, District – Mahasamund (C.G.) for the offence punishable under Section 376-A, B, 511 of the Indian Penal Code and Section 5 (३), 18 of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix and other witnesses have been examined in trial and according to their

statement, no case is made out against the applicant for commission of offence under Section 376 read with Section 511 of I.P.C. The applicant is in jail since 13.09.2019 and the trial is yet to be completed. Therefore, it is prayed that the applicant may be released on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that age of the prosecutrix in this case is only of 8 years and she had clearly supported the prosecution in her statement given in the investigation, therefore, no case is made out for grant of bail.
4. Notice was issued to the complainant side and there had been appearance on 01.12.2020 of the complainant, who had objected in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant attempted to commit rape with minor prosecutrix of age about 8 years.
7. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix and other witnesses. After perusal of the same, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that 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 trial Court, for his appearance
as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram