

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 325 of 2021

- Manohar Singh S/o Shri Hari Singh, Aged About 21 Years, R/o Village Lalpur, P.S. Amarkantak, Tahsil Pushprajgarh, District- Anuppur (M.P.), District : Anuppur, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station- Gourela, District- Gourela-Pendra-Marwahi (C.G.), District : Gaurela-Pendra-Marwahi, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Achyut Tiwari, Advocate.

For State/Non-applicant – Ms. Reena Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-04-2021

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 28-12-2020 in connection with Crime No.285/2020 registered at Police Station – Gourela, District- Gourela-Pendra-Marwahi, Chhattisgarh for the offence under Section 366, 376(2)(n), 506, 323 of the IPC and Section 4, 5, 6 of POCSO Act.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The prosecutrix and her father both have been examined in the trial and they have not supported the prosecution case, hence, there is nothing left in the prosecution against this applicant. Therefore, it is prayed that the applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that there are other witnesses to be examined who may establish the prosecution case. Therefore, the application may be rejected.
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, exploited her sexually and also threatened and

beaten her regarding which the offences have been registered.

6. Considered on the submissions and also perused the certified copy of the depositions of the prosecutrix and her father and it is found that they have not supported the prosecution case, for which they have been declared hostile by the prosecutor. Therefore, looking to this development, 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge