

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.472 of 2021

- Govind Kewat S/o Ramlal Kewat Aged About 25 Years (However Wrongly Written As Govind Nishad S/o Ramlal Nishad In The Order Dated 29.12.2020), Occupation Labourer, R/o Village Banjari, Tahsil - Maalkharoda, Police Station Maalkharoda, District Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Chakradharnagar, District Raigarh Chhattisgarh

---- Non-applicant

For Applicant : Mr. Hari Agrawal, Advocate.

For Non-applicant/State : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-01-2021

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 22.12.2020, in connection with Crime No.163/2015, registered at Police Station-- Chakradharnagar, District- Raigarh, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Sections 4 and 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case. The statement of prosecutrix under Section 164 of Cr.P.C. reveals that she left her parental house on her own will and she stayed for about two months in the house of her maternal uncle and came back on 25.07.2015. The statement of her mother under Section 161 of Cr.P.C. is similar. It is also submitted that this applicant has made a statement that is recorded on 02.08.2015 is a developed form making false allegations against the applicant. The

applicant is in jail since 22.12.2020, hence, it is prayed that he may granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that on the date of incident, the age of prosecutrix was only 15 years, therefore, she was minor and further, according to the supplementary statement of the prosecutrix. There is clear allegation against the applicant regarding commission of offences registered against him. Therefore, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix went missing on 19.05.2015. After lodging of F.I.R. and missing report, she was recovered on 25.07.2015. Although her previous statement was not against the applicant but in her supplementary statement, she has made statement against the applicant regarding the commission of offence of abduction and rape. Hence, this case.
6. Considered on the submissions and the facts of the case and looking to the development that has gradually taken up in this case at the time of investigation, which has resulted in the filing of charge-sheet against the applicant and further, that the case is at present pending for trial, therefore, 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 each 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