

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Proceedings through Video Conferencing

MCRC No. 828 of 2021

Omprakash Jain S/o Mansukh Jain, Aged About 19 Years By
 Caster Kalar, R/o Village Timnar, Tahsil Antagarh, Thana
 Aamabeda, District U.B. Kanker CG ... **Applicant**

Versus

The State of Chhattisgarh through Police Station Aamabeda,
 District U.B. Kanker CG ... **Non-applicant**

 For Applicant : Shri Parag Kotecha, Adv.
 For respondent/State : Shri Dinesh Tiwari, Dy. Govt. Adv.

Hon'ble Shri Justice NK Chandravanshi
Order On Board

20-7-2021

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 26-12-2020 in connection with Crime No. 27/2020 registered at Police Station Aamabeda, Distt. Uttar Bastar- Kanker (C.G.), for the offence punishable under Sections 363, 366, 376, 506 of the Indian Penal Code, Sections 4 and 6 of the Protection of Children from Sexual Offences Act.

2. Prosecutrix/victim along with her father and mother, and Shri Som Datt Patel, Panel Lawyer of District Legal Services Authority, Kanker- Uttar Bastar appeared through video conferencing from DLSA, Kanker-Uttar Bastar. Prosecutrix has brought her Adhar Card. She is directed to deposit photocopy of the same in the office of DLSA at Kanker.

3. The prosecutrix, her father and mother submit that they have no objection if the applicant is granted bail.

4. Case of the prosecution, in brief, is that, father of the prosecutrix lodged a report that her daughter told her that on 23-12-2020 the applicant had forcibly took her to his house at Timnar, he kept her in his house in the night, committed forcible sexual intercourse on the pretext of marriage, on the next day, he was not allowing her to go to her house. On the basis of the report, offence punishable under Sections 363, 366, 376, 506 of IPC and Section 4 and 6 of POCSO Act has been registered against the applicant.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated by the complainant due to previous enmity. He further submits that the applicant is in jail since 26-12-2020, charge sheet has already been filed, in her statement under Section 164 of the Cr.P.C. prosecutrix has stated that she had love affairs with the applicant, trial may take some more time for conclusion, there is no possibility of his absconding, therefore, present applicant may be enlarged on bail.

6. On the contrary, learned State counsel opposes the application for grant of bail.

7. Looking to the facts and circumstances of the case, nature and gravity of offence, period of detention and also considering the fact that the trial will take some more time for its conclusion, charge sheet has already been filed as per submission of counsel for the applicant, without further commenting on merits of the case, I am inclined to release the applicant on bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 25,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court subject to further conditions that :

(i) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court;

(ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
Judge