

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1263 of 2021

- Madhav Chakravarti S/o Sudhram, Aged About 21 Years, R/o Village Pokdega, Police Station Lailunga, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

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

----Non-applicant

For Applicant – Shri Ajeet Kumar Yadav, Advocate.

For Non-applicant/State – Shri Amit Kumar Verma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-07-2021

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 17-09-2020 in connection with Crime No.208/2020 registered at P.S. - Lailunga, District Raigarh, Chhattisgarh for the offence under Section 363, 376D, 511, 506, 34 of the IPC and Section 7, 8 & 4 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 17-09-2020. The prosecutrix has been examined in the trial and she has been declared hostile by the prosecutor, therefore, she is not a reliable witness. Hence, under these circumstances this applicant is entitled for grant of bail and it is prayed that he be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that on the date of incident age of the prosecutrix was only 14 years. There are other witnesses remained to be examined in trial, therefore, the case may take another turn. Hence, the application may be rejected.

4. Notice issued to the complainant has been returned served, but there is

no appearance and no representation.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, on the date and time of the incident when the minor prosecutrix was on her way, the applicant along with co-accused forcefully took the prosecutrix to another place, where she was disrobed and both of them made attempt to rape her. The prosecutrix was also threatened and abused by this applicant and co-accused person, regarding which the FIR has been lodged.

7. Considered on the submissions and the facts present in the case. After perusal of certified copy of the deposition of the prosecutrix, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge