

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1030 of 2021

- Dhansingh S/o Fulsingh Aged About 50 Years Caste- Gond, R/o Village Dhodhari, Police Station-Khadgaon, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Khadgaon, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Punit Ruparel, Advocate.
For Respondent/State	:	Mr. Chitendra Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

17/03/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.08/2020 registered at Police-Station-Khadgaon, District-Rajnandgaon(C.G.) for the offence punishable under Section 376(A)(B), 511, 342 of IPC and Section 4, 6, 9(10) of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case because of enmity with the mother of the prosecutrix. The charge-sheet has been filed. There is no evidence to show, that any attempt to rape was made on the minor prosecutrix. The prosecutrix has not made any such

statement and the medical evidence also does not corroborate with the same. It is the only statement the mother of the victim which is clearly exaggerated and false. The applicant is in jail since about more than one year and the trial in this case is getting delayed, therefore, it is prayed that he may be enlarged 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 the age of prosecutrix in this case is only 4 ½ years and, therefore, she has been unable to make complete disclosure of the incident that has taken place. The mother of the prosecutrix has made clear allegations against the applicant regarding the commission of offence of attempt to rape by him, therefore, he is not entitled for grant of bail.
4. Notice was issued to the complainant which has been returned served, but there is no appearance and representation.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is submitted that complainant, the mother of the prosecutrix has lodged FIR, that on the date of incident her daughter aged about 4 ½ year was missing, she started searching her and found in the house of the applicant. The minor prosecutrix was found in the house of this applicant and according to the narration given by her the applicant had attempted to rape the minor prosecutrix.
7. Considered on the submissions. The statement of attempt to rape has been made only by the mother of the victim. The medical examination of the minor victim does not disclose finding of any symptom regarding any attempt made to ravish her. The applicant is in jail since more than one year and the trial is getting delayed, for these reasons, I feel

inclined to allow the application of this applicant.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha