

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1082 of 2021

- Umashankar S/o- Lal Sahab, Aged About 19 Years, R/o- Ward No.- 09, Khongapani, P.S.- Jhagrakhand, Tahsil- Manendragarh, Distt.- Koriya (Chhattisgarh), District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S.- Jhagrakhand, Distt.- Koriya (Chhattisgarh), District : Koriya (Baikunthpur), Chhattisgarh

----Non-applicant

For Applicant – Shri Ramsajiwan, Advocate.

For Non-applicant/State – Shri Sameer Oraon, Govt. Advocate.

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 15-10-2020 in connection with Crime No.177/2020 registered at P.S. - Jhagrakhand, Distt.- Koriya, Chhattisgarh for the offence under Section 363 of the IPC.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. The applicant is in jail since 15-10-2020. The prosecutrix has been examined in the trial and she is a hostile witness, therefore, she is unreliable. Age of the prosecutrix will be challenged in trial and statement of her father in the Court supports the defence of the applicant. Hence, this is change in circumstances on the basis of which the applicant is entitled for grant of bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that age of the prosecutrix had been only about 15 years on the date of incident and there is clear evidence against the applicant regarding commission of the the offence. Therefore, he is not entitled for grant of bail.

4. The minor prosecutrix is virtually present through Help Desk of TLISA Manendragarh. She has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, this applicant abducted the minor prosecutrix, kept her in his custody and also had physical relation with her knowing well that she was not capable of giving consent.
7. Considered on the submissions and perused certified copy of the deposition of the prosecutrix and her father. After due consideration, 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