

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.1627 of 2021

- Rohit Jamadar @ Rohit Bharti, S/o Ajay Bharti, Aged About 24 Years
R/o Banglapara, Near ITI, Police Station Narayanpur, District
Narayanpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through The Police Narayanpur, District
Narayanpur Chhattisgarh

---- Non-applicant

For Applicant : Mr. Raza Ali, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-03-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 19.10.2020, in connection with Crime No.144/2020 registered at Police Station-- Narayanpur, District- Narayanpur, C.G. for offence punishable under Section 376 of I.P.C. and Sections 04 and 06 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant is innocent and has been falsely implicated in this case. The applicant is in jail since 19.10.2020. The applicant has not committed any offence, therefore, the mother and the prosecutrix both appeared before the Sessions Court to make a statement of no objection, which was not considered. Hence, it is prayed that this applicant may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that statements of prosecutrix under Sections 161 and 164 of Cr.P.C. make clear allegations against the applicant regarding the conviction of offence of rape by him. Therefore, the applicant has no entitlement for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant on pretext of marrying the minor prosecutrix, continuously exploited her sexually because of which she became pregnant. Subsequent to which, the F.I.R. has been lodged. Hence, this case.
6. Considered on the submissions. There is a mention in the rejection order regarding appearance of the prosecutrix and her mother before the Sessions Court and their statement of no objection. Hence, after due consideration, 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 two local 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