

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.1458 of 2021

- Shrawan Kumar Chakradhari S/o Shri Kriparam Chakradhari Aged About 22 Years R/o Village Datrangi, Thana Gidhpuri, District Balodabazar-Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gidhpuri, District- Balodabazar-Bhatapara Chhattisgarh

---- Non-applicant

For Applicant : Mr. Sunil Sahu, Advocate.

For Non-applicant/State : Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-04-2021

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 11.07.2020, in connection with Crime No.62/2019, registered at Police Station-- Gidhpuri, District- Balodabazar- Bhatapara, C.G. for offence punishable under Section 363, 366 and 376 of I.P.C. and Section 3(2)(V-A) of SC and ST (Prevention of Atrocities) Act, 1989 and Sections 17, 18 and 04 of the Protection for Children's from Sexual Offences Act, 2012
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 prosecutrix has been examined in trial and she has not supported the prosecution case and there is nothing left against this applicant. Hence, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that prosecutrix was minor, therefore, any willingness and consent on her part is immaterial. Hence, it is prayed that this application may be rejected.
4. The prosecutrix is herself present before this Court through the Help Desk of High Court and she has stated that 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, it is alleged that this applicant abducted the minor prosecutrix, who was also a member of Scheduled Caste, and then he exploited her sexually, knowing well that she was not capable of giving any valid consent. Hence, this case.
7. Considered on the submissions and also perused the copy of deposition of the prosecutrix, which shows that she is a hostile witness for not having supported the prosecution case, therefore, looking to this development, I feel inclined to allow this application.
8. 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.
9. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge