

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.1689 of 2021

- Ganesh Das@ Ganesh Yadav S/o Shri Mohanlal Yadav Aged About 30 Years R/o Paraudera Lachanpur Police Station Janjgir District Janjgir -Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Janjgir District Janjgir- Champa Chhattisgarh

---- Non-applicant

For Applicant : Mr. Ashutosh Trivedi, Advocate.

For Non-applicant/State : Mr. Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-07-2021

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 06.11.2020, in connection with Crime No.478/2020 registered at Police Station— Janjgir, District- Janjgir- Champa, C.G. for offence punishable under Sections 376, 506 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 06.11.2020. The trial has commenced in this case. The prosecutrix and her mother both have been examined in the trial and they have turned hostile, therefore, no case is now present against this applicant. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submissions made by the learned counsel for the applicant and submits that the age of the prosecutrix has been only 13 years and 10 months at the time of incident. Her statement is clear under Section 161 and 164 of Cr.P.C. There are other witnesses to be examined in trial, therefore, the application may be rejected.
4. The complainant- Budhwari Bai, is virtually present before this High Court through the Help Desk of D.L.S.A.- Janjgir- Champa and 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 happens to be the step father of the minor prosecutrix, who had been exploited her sexually since about 06 months till the date this F.I.R. was lodged on 06.11.2020. Hence, this case.
7. Considered on the submissions. After perusal of the certified copy, deposition of the prosecutrix and her mother, it is found that they have not supported the prosecution case in any manner, therefore, they are declared hostile. Looking to this development, 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