

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1935 of 2021**

Ramesh Chouhan, S/o. Ramcharan Chouhan, aged about 19 years, R/o. Village Sonaidih, Police Station Bamhnidih, District Janjgir - Champa Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The Police of Police Station Birra, District Janjgir - Champa Chhattisgarh.

---- Respondent

For Applicant : Mr. Govind Prasad Dewangan, Advocate

For Respondent/State : Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/06/2021

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.38/2020, registered at Police Station – Birra, District – Janjgir-Champa (C.G.) for the offence punishable under Section 363, 366, 376 and 506 read with Section 34 of the Indian Penal Code. The first bail application M.Cr.C. No.6787 of 2020 was dismissed as withdrawn vide order dated 10.12.2020 with liberty to repeat the same after examination of the prosecutrix.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Hence, under these circumstances, the applicant is entitled for grant of 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 prosecutrix was minor and secondly, there are other witnesses to be examined, who may establish the prosecution case. Therefore, the application be rejected.
4. Notice was served upon the complainant for fixed date 15.06.2021 but there was no appearance and no representation made.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and had forceful relation with her.
7. Considered on the submissions. Perused the certified copy of the deposition of the prosecutrix filed along with the application, which shows that the prosecutrix is totally hostile witness, who has not supported the prosecution case in any manner, hence looking to this development, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram