

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.1958 of 2021

- Dharmendra Kumar Minna S/o Ramkishun, Aged About 26 Years R/o Village Shekhpura, Police Station Sikandara, District Doussa (Rajsthan)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Batouli, District Surguja (Chhattisgarh)

---- Non-applicant

For Applicant : Mr. Arun Shukla, Advocate.

For Non-applicant/State : Mr. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-07-2021

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 22.11.2020, in connection with Crime No.99/2020, registered at Police Station— Batouli, District- Surguja, C.G. for offence punishable under Sections 363, 366 and 376(3) and 376(2)(N) of I.P.C. and Sections 3a, 4(2), 5(L)/6 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 22.11.2020. The prosecutrix and her father both have been examined in trial and they have not supported the prosecution case, therefore, it is prayed that this application may be allowed.
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 prosecutrix is minor of age below 15 years, therefore, looking to her statement under Section 161 of Cr.P.C. it is prayed that this application may be rejected.

4. The complainant- Dilip Kumar Sonwani is virtually present before this Court through the Help Desk of this High Court and he has no objection in grant of bail to this 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 has abducted the minor prosecutrix, kept her in his custody then taken her to places and also exploited her sexually, knowing well that she was not capable of giving a valid consent. Hence, this case.
7. Considered on the submissions and also perused the certified copy deposition of prosecutrix and her father filed along with the application and on perusal of the same, it is found that these witnesses have not supported the prosecution case in any manner, hence, 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