

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2907 of 2021

- Banshi Das @ Sidharth Das S/o Bhukchand Das Aged About 19 Years
R/o Village Poksari, Police Station Batouli, District Sarguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Sitapur, District Sarguja Chhattisgarh

---- Non-applicant

For Applicant : Mr. Arun Kumar Shukla, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-08-2021

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 14.10.2019, in connection with Crime No.98/2019, registered at Police Station- Sitapur, District- Sarguja, C.G. for offence punishable under Sections 313, 376(2)(n), 114, 376(3), 376-A, B of I.P.C. and Sections 5L, M, N, J(II), 6 and 17 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 14.10.2019. The prosecutrix has been examined in the trial and she has

not supported the prosecution case against this applicant. The other co-accused persons namely Manmatiya Das and Laxmi Das have been granted bail by this Court in M.Cr.C. No.3422 of 2020 vide order dated 26.08.2020, therefore, it is prayed that this applicant may also be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix had been only of age 10 years and 11 months, when she was ravished and sexually exploited by this applicant, therefore, looking to the seriousness of the allegations present against this applicant, he is not entitled for grant of bail.
4. On notice, the prosecutrix had virtually appeared before this Court on 15.07.2021 and she had made a statement of 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, the minor prosecutrix of age 10 years and 11 months was residing with co-accused person Parmeshwar and Meera Das, who in turn pushed the minor prosecutrix into flesh trade by inviting various persons. The applicant is also one of such persons, who were invited by the co-accused persons and then he had raped the minor prosecutrix. Hence, this case.
7. Considered on the submissions. Perused the copy of deposition of prosecutrix, it shows that she has not made a single statement against this applicant or against any other co-accused person, therefore, she had been declared hostile by the prosecutor. Hence, looking to this development in the trial and also that the co-accused persons have been granted bail, 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

Monika