

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3431 of 2021

- Purushottam Paikra @ Raju Son of Ashok Singh, Aged About 21 Years, Resident of Village Latuwa, Police Station and Tahsil Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through: Station House Officer, Police Station City Kotwali District Baloda Bazar Bhatapara (Chhattisgarh), District : Balodabazar-Bhathapara, Chhattisgarh

----Non-applicant

For Applicant – Shri Satya Prakash Verma, Advocate.

For Non-applicant/State – Shri Ajay Kumarani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 14-03-2021 in connection with Crime No.168/2021 registered at P.S. - City Kotwali District Baloda Bazar Bhatapara, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 04 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 14-03-2021. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, it is prayed that the applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that there are other witnesses yet to be examined in the trial, therefore, the application may be rejected.
4. Notice issued the complainant has been returned served, but there is no appearance and no representation.

5. Heard learned counsel for the parties and perused the case diary.

6. As per the prosecution case, this applicant is alleged to have abducted the minor prosecutrix of age below 16 years and then by keeping her in his custody he had physical relation with her on more than one occasion which amounts to commission of offence of rape.

7. Considered on the submissions and the facts of the case. Also perused certified copy of the deposition of the prosecutrix, which shows that she is a hostile witness as she has not supported the prosecution case. Therefore, 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