

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3262 of 2021**

Ramdhan Chauhan, S/o. Lohar Sai, aged about 52 years, R/o. Navagarh, in front of house of Faruk Kabadi, P.S. Ambikapur, District Surguja (C.G.).

---- Applicant**Versus**

State of Chhattisgarh, Through : P.S. Incharge, P. S. Ambikapur, District Surguja (C.G.).

---- Respondent

For Applicant : Ms. Sonia Kuldeep, Advocate

For Respondent/State : Ms. Hamida Siddiqui, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/09/2021**

1. This is the first 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.308/2020, registered at Police Station – Ambikapur, District – Surguja (C.G.) for the offence punishable under Section 363, 366, 376 (3) of the Indian Penal Code and Section 3 (a) read with Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 16.06.2020. The prosecutrix has in her statement under Section 161 of Cr.P.C. stated that she was taken to the Jungle by

unknown person. In the later development, she has made improved statement under Section 164 of CR.P.C. identifying this applicant, which is full of doubt. No identification parade was conducted for identification of this applicant. The prosecution has come up with improbable story against this applicant. He is in jail since more than one year and trial against him is still pending. Hence, it is prayed that the applicant may be released on 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 there is direct statement present of the prosecutrix against the applicant under Section 164 of Cr.P.C., in which, she has identified and made allegation of rape against this applicant. Further the prosecutrix is of age about 15 years only, therefore, this application be rejected.
4. Rukhsana Bibi on behalf of the complainant is virtually present before this Court on notice through the Help Desk of this High Court. She has made objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, on the date of incident, co-accused Fatima Bibi induced the minor prosecutrix to go with this applicant, who took her to forest and raped her.
7. Considered on the submissions. The co-accused Fatima Bibi has been granted bail by the Coordinate Bench of this Court on 15.09.2020 in M.Cr.C. No.4048 of 2020. Taking into consideration the statement of the prosecutrix under Section 161 and 164 of Cr.P.C. and also that the applicant is in jail since one year and the trial is still pending so far,

hence for this reason, 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