

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3524 of 2021

- Raja Kumar Rawat S/o Jiyud Kumar, Aged About 23 Years, R/o Village Rewadi Police Station Kopa District Chhapra (Bihar)., Bihar

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Surajpur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Shakti Raj Sinha, Advocate.

For State/Non-applicant – Shri Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

15-07-2021

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 31-10-2020 in connection with Crime No.290/2020 registered at Police Station – Surajpur, District Surajpur, Chhattisgarh for the offence under Section 363, 366, 376(2)(n) of the IPC and Section 4, 6 of POCSO Act, 2012.

2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated. He is in jail since 31-10-2020. The prosecutrix has been examined in 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 to be examined in the trial. Therefore, the application may be rejected.

4. The minor prosecutrix is virtually present through Help Desk of DLSA Surajpur. She has 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, this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually knowing well

that she was not capable of giving consent.

7. Considered on the submissions. Perused the certified copy of deposition of the prosecutrix and according to that, she is a hostile witness as she has not supported the prosecution case. Similarly, father and mother of the victim have also turned hostile. Hence, looking to this development in the case, 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