

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3821 of 2021

- Narsingh Sahu S/o Punau Ram Sahu, Aged About 24 Years, R/o Badnara, Police Station- Nandghat, District- Bemetara, Presently R/o Parthivi Provinces Labour Quarter, Police Station - D.D. Nagar, Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through Station House Officer, Police Station - Deendayal Nagar, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Malay Shrivastava, Advocate.

For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-09-2021

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 06-11-2020 in connection with Crime No.405/2020 registered at P.S. - Deendayal Nagar, District Raipur, Chhattisgarh for the offence under Section 376(2)(n), 506 of the IPC and Section 6 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 06-11-2020. The prosecutrix, her mother and her uncle have been examined in the trial and they have not supported the prosecution. Therefore, there is nothing left against this applicant. Hence, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that there are clear allegations present against this applicant in the diary statement of the prosecutrix and other witnesses. Therefore, the application may be rejected.

4. The complainant was virtually present before this Court on 19-07-2021 on notice. She had made statement of no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. As per the prosecution case, it is alleged that, on the date of incident this applicant by force raped the minor prosecutrix when she had went out to answer the call of nature, regarding which the FIR has been lodged.
7. Considered on the submissions. Perused certified copy of the deposition of the prosecutrix and other witnesses and it is found that they have not supported the prosecution case, for which they have been declared hostile by the prosecutor. 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