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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3499 of 2021

- Rajendra Singh Markam @ Raju Singh S/o Chandra Singh Markam, Aged About 41 Years, R/o Dhodhipara, Police Chowki, C.S.E.B. Korba, Tahsil and District Korba (Chhattisgarh), District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O., P.S. Kotwali, Police Chowki, C.S.E.B. District Korba (Chhattisgarh), District : Korba, Chhattisgarh

----Non-applicant

For Applicant – Smt. Mamta Jaiswal , Advocate.

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

Shri Shubham Dev Mallick, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-07-2021

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 04-02-2021 in connection with Crime No.86/2021 registered at P.S. - Kotwali, Chowki, C.S.E.B. District Korba, Chhattisgarh for the offence under Section 354, 506, 376 (2)(f)(n) of the IPC read with Section 6 of Protection of Children from Sexual Offences Act (POCSO Act).

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 04-02-2021. The prosecutrix and her mother both have been examined in the trial and they have 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 the prosecutrix was minor and she has clearly given statement against the applicant in the investigation stage and further, there are other witnesses to be examined in the trial. Therefore, the application may be rejected.

4. The complainant is represented through counsel Shri Shubham Dev Mallick who submits that the complainant has no objection in grant of bail to this applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, this applicant happens to be relative of the minor victim who had continuously outraged modesty of the minor victim finding opportunities and he has also raped, regarding which the FIR has been lodged.
7. Considered on the submissions. Perused certified copy of the depositions of the prosecutrix and her mother and it is found that they have not supported the prosecution case in any manner. Hence, looking to this development in the trial, 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