

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3776 of 2021

- Ravi Chelak S/o Panchuram Chelak, Aged About 24 Years, R/o Village Choubeybandha, Police Station Rajim, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station Rajim, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Shivendu Pandya, Advocate.

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

Shri Govind Dewangan, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-06-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 18-08-2020 in connection with Crime No.149/2020 registered at Police Station – Rajim, District Gariyaband, Chhattisgarh for the offence under Section 363, 366, 376 (1) of the IPC and Section 04 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant, that this is second bail application filed by the applicant. His first application filed under Section 439 of the Cr.P.C. before this Court, MCRC No.393/2021 was dismissed as withdrawn on 24-02-2021. It is submitted that the applicant has been falsely implicated. He is in jail since 18-08-2020. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, it is prayed that this application be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor on the date of incident and also that there are other witnesses remained to be examined. Therefore, the application may be rejected.

4. Shri Govind Dewangan, Advocate is representing the prosecutrix and he submits that the prosecutrix 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 and also perused the certified copy of the deposition of the prosecutrix, which shows that she is totally hostile, 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