

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4398 of 2021

- Kumar Babu Chouhan @ Putan S/o Shrawan Kumar Chouhan, Aged About 21 Years, R/o Village Telaidhar, Police Station and Tehsil- Sitapur, District- Sarguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station: Sitapur, District - Sarguja Chhattisgarh

----Non-applicant

For Applicant – Ms. Saumya Sharma, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-08-2021

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 01-11-2020 in connection with Crime No.174/2020 registered at P.S. - Sitapur, District - Sarguja, Chhattisgarh for the offence under Section 363, 366, 376(2)(n) of the IPC and Section 5, 6 of POCSO Act.
2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 01-11-2020. Charge sheet has been filed. The prosecutrix and her father both have been examined in the trial and they have not made any statement against this applicant in support of the charge against him. Therefore, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor of age below 16 years and further, there is clear diary statement against the applicant and there are other witnesses yet to be examined in the trial. Therefore, the application may be rejected.

4. The prosecutrix is virtually present through Help Desk of DLSA Ambikapur. She 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, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually continuously knowing well that she was minor and thus not capable of giving consent.
7. Considered on the submissions. Perused certified copy of the depositions of the prosecutrix and her father. It is found that the prosecutrix has not supported the prosecution case in the trial. Therefore, 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