

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4826 of 2021

- Kishor Kumar Pardhi, S/o Panchu Ram Pardhi, Aged About 20 Years R/o Village Birjhapur, Police Station-Dhamdha, District-Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Fingeshwar, District : Gariyabandh, Chhattisgarh

---- Respondent

For Applicant(Present Virtually) : Mr. Md. Afroz Athar, Advocate.

For State/respondent : Mr. Amit Kumar Verma, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/10/2021

Heard.

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.1732 of 2020 vide order dated 02.06.2020 was dismissed as withdrawn.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.216/2018 registered at Police-Station-Fingershwar, District-Gariyaband, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2) of IPC and Sections 4 & 6 of POCSO Act, 2012.

3. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 16.02.2019, therefore, he is completing near about 2 years and 8 months in jail. The trial against him is not making any progress so far. Not a single witness has been examined. Prosecutrix had a love affair with the applicant. She had willingly gone and resided with the applicant in places like Hyderabad and Puna, therefore, there is no case present against this applicant, hence, it is prayed that this applicant may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the age of the prosecutrix had been only 14 years on the date of incident and, further, she has made statement under Sections 161 & 164 CrPC, that she was raped by the applicant. Hence, the application be rejected.
5. The prosecutrix had virtually appeared before this Court through the 'Help Desk' of DLSA Raipur on 22.09.2021. She had stated that she has objection in grant of bail to this applicant.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix took her to Hyderabad. After staying for some time then both of them went to Puna. It was in Puna the applicant had forceful physical relation with the minor prosecutrix. Later on, the prosecutrix was recovered by the police on the basis by missing report lodged by her father.

8. Considered on the submissions. Taking into consideration the statement given by prosecutrix and the statement that had been made by the applicant counsel and also that the trial against the applicant is also without any progress which is quite delayed, hence, I feel inclined to allow the bail application of this applicant.
9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha