

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4546 of 2021**

Pradumn Tiwari S/o Shyam Lal Tiwari Aged About 33 Years R/o Rayari,
Tahsil Khaga, Police Station Kishanpur, District Fatehpur Uttar Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Kirandul, District South Bastar
Dantewada Chhattisgarh.

---- Respondent

For the Applicant : Shri Shrawan Agrawal, Advocate.
For the Respondent/State : Shri Shakti Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.08.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.64 of 2019, registered at Police Station – Kirandul, District – South Bastar, Dantewada, Chhattisgarh for the offence punishable under Section 342, 376(2)(dha) and 506 of the Indian Penal Code and Sections 5 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 8.11.2020 and has been falsely implicated in this case. The prosecutrix and her parents have been examined in the trial and they have not supported the prosecution case. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the diary statement present against the applicant and also the prosecutrix was minor on the date of incident. Hence, no case is made out for grant of bail to the applicant.

4. The prosecutrix is present before this virtual Court through the Help-Desk of DLSA, Dantewada. She made a statement that she has no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant allured the minor prosecutrix and then established physical relation with her by use of force more than one occasion as a result of which, the prosecutrix became pregnant and then, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. Looking to the hostility of the prosecutrix and other witnesses in the trial and also considering the fact that the prosecutrix has no objection in grant of bail to the applicant, I feel inclined to grant regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge