

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4649 of 2021

- Pokhraj Vishwakarma S/o Late Genduram Vishwakarma, Aged About 21 Years, R/o Village Doma, Police Station Arang, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police of Police Station Palari, District- Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

----Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-07-2021

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 05-02-2021 in connection with Crime No.280/2020 registered at P.S. - Palari, District- Baloda Bazar-Bhatapara, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act .

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 05-02-2021. Charge sheet has been filed. The prosecutrix, her mother and father have been examined in the trial and they have not supported the prosecution case. Therefore, it is prayed that the applicant be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the age of the prosecutrix had been only about 15 years and There is her statement under Section 161 and 164 of the Cr.P.C. against this applicant. Hence, the application may be rejected.

4. The prosecutrix is virtually present through Help Desk of DLSA

Balodabazar. She 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 also exploited her sexually knowing well that she was a minor and thus not capable of giving consent.

7. Considered on the submissions and also perused certified copy of the depositions of the prosecutrix, her father and mother, it appears that they have not supported the prosecution case, therefore, prosecution has declared them hostile witnesses. 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