

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4600 of 2021

- Shukhdev Gond, S/o Shivprasad Gond, Aged About 21 Years, R/o Village Maruma Baigapara, P.S. Patna, Tehsil Baikunthpur, District-Koriya, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The S.H.O. P.S. Patna, District-Koriya Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vijay Kumar Sahu, Advocate.
For State/respondent	: Ms. Shivali Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/08/2021

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 His first application MCRC No.7519 of 2020 vide order dated 6.1.2021 was dismissed as withdrawn.
2. This is the first 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.170/2020 registered at Police-Station-Patna, District-Koriya(C.G.) for the offence punishable under Sections 376(2)(N)(I), 376(A) 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. The diary statement of the prosecutrix shows that there had been an affair and relationship between her and the applicant, which has resulted in her pregnancy and delivery of child but the prosecutrix has unfortunately died. The applicant is in jail since 02.08.2020 and the trial is likely to take some time, therefore, 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 it is a case in which the applicant has sexually exploited the minor prosecutrix. Some of the witnesses have also been examined and the deposition of the same has been filed by the applicant himself, which shows that there is evidence present in the trial against this applicant, therefore, the application be rejected.
5. Representative of the complainant had virtually appeared before this Court on 28.7.2021 and objected to grant of bail to the 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 sexually exploited the minor prosecutrix of age about 15 years for some time because of which she became pregnant and gave birth to a child. The applicant then refused to marry the prosecutrix. Later on, the prosecutrix has expired.
8. Considered on the submissions and the facts present in the case, 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