

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5106 of 2021

- Heerashankar Dansena, S/o Dilchand Dansena, Aged About 22 Years, R/o Village Bhata, Chowki Faguram, Police-Station-Dabhra, District-Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Dabhra, District- Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ishwar Jaiswal, Advocate.
For State/respondent	: Mr. Samir Oraon, Govt. Adv. for State.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

14/09/2021

Heard.

1. 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.197/2021 registered at Police-Station-Dabhra, District-Janjgir-Champa, Chhattisgarh for the offence punishable under Section 294, 506, 376 of IPC and Sections 06 of POCSO Act, 2012.
2. 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 09.05.2021. The prosecutrix has been examined in the trial and she has not supported the prosecution case, therefore, it is prayed that this applicant may be enlarged on regular bail.

3. 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 prosecutrix had been below 14 years on the date of incident and looking to the evidence present against this applicant, he is not entitled for grant of regular bail.
4. Complainant had virtually appeared before this Court through the 'Help Desk' of High Court on 16.8.2021. She had stated that he has no objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged the applicant took photograph of the minor victim when she was taking bath and then on the basis of that photograph, after putting the prosecutrix under threat he forcibly raped her. It is also alleged that this applicant has raped the prosecutrix on more than one occasions after putting her under threat. Hence, this case.
7. Considered on the submissions. Perused the certified copy of deposition of prosecutrix, which is filed along with the application, which shows that the prosecutrix has not supported the prosecution case in any manner for which she was declared hostile by the prosecutor, hence, looking to this development in the trial, I feel inclined to allow the application of this applicant.
8. 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