

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4840 of 2021

- Subham Nayak @ Karo S/o Late Jayram Nayak, Aged About 24 Years, Caste - Ghasi, Occupation - Lobur, R/o Village - Dipatoli, Police Station - Jashpur, Tahsil and District - Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer Police of Police Station - Jashpur, District - Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

----Non-applicant

For Applicant – Shri Prabhakar Tiwari, Advocate.

For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-09-2021

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 13-05-2021 in connection with Crime No.99/2021 registered at P.S. - Jashpur, District - Jashpur, Chhattisgarh for the offence under Section 363, 376, 34 of the IPC and Section 4, 6 of POCSO Act.
2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 13-05-2021. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, there is nothing left in the prosecution against this applicant. Hence, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the age of the prosecutrix had been only 14 years on the date of incident and further, there is diary statement present against this applicant. Therefore, the application may be rejected.
4. The complainant had virtually given appearance before this Court on 28-

07-2021 and made a statement of 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, it is alleged that this applicant abducted the minor prosecutrix and then he raped her.

7. Considered on the submissions and perused certified copy of the deposition of the prosecutrix which shows that she is totally a hostile witness as she has not supported the prosecution case in any respect. Therefore, 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