

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4868 of 2021

- Gopal @ Pintu S/o Shri Dev Prasad, Aged About 24 Years, R/o Village Dawankra (Barpara), P.S. Pratappur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station AJK (Surajpur) District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

----Non-applicant

For Applicant – Shri Maneesh Sharma, Advocate.

For Non-applicant/State – Shri Amit Kumar Verma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-07-2021

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 17-08-2019 in connection with Crime No.114/2019 registered at P.S. - AJK (Surajpur), District Surajpur, Chhattisgarh for the offence under Section 363, 366(A), 376 of the IPC, Section 4, 6 of POCSO Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 17-08-2019. The prosecutrix has been examined in the trial and she is totally a hostile witness. The statement of the prosecutrix under Section 164 of the Cr.P.C. is also contradictory to her statement under Section 161 of the Cr.P.C. Therefore, there is no case present against this applicant. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there are other witnesses to be examined in the trial, therefore, the application may be rejected.

4. The prosecutrix is virtually present through Help Desk of DLSA Surajpur. She has 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 unable to give consent being a minor.
7. Considered on the submissions. Perused certified copy of the deposition of the prosecutrix, according to which she is a hostile witness as she has not supported the prosecution case in any respect. Hence, looking to this development in the case, 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