

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5237 of 2021

- Jagmohan S/o Bhukhandas, Aged About 22 Years, Caste- Panika, R/o Village- Parasi, Police Station- Marwahi, Tahsil- Marwahi, District- Gourela-Pendra-Marwahi, Chhattisgarh, District : Gaurela-Pendra-Marwahi, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Gourela, District- Gourela-Pendra-Marwahi, Chhattisgarh, District : Gaurela-Pendra-Marwahi, Chhattisgarh

----Non-applicant

For Applicant – Shri Dheerendra Prasad Mishra, Advocate.

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

Shri Sunil Verma, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-08-2021

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 19-06-2021 in connection with Crime No.216/2021 registered at P.S. - Gourela, District- Gourela-Pendra-Marwahi, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 19-06-2021. The prosecutrix has not made any statement against this applicant in her statement under Section 164 of the Cr.P.C. and further, she has also been examined in the trail and turned hostile. Therefore, this applicant is entitled for grant of bail. Hence, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix was minor of age about 14 years only and in her statement under Section 161 of the Cr.P.C. she has made clear allegation

against the applicant. Therefore, the application may be rejected.

4. Complainant Dewan Singh is virtually present through Help Desk of the High Court. He has no objection in grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. As per the case of prosecution, this applicant abducted the minor prosecutrix and then by keeping her in his custody he exploited her sexually knowing well that she was minor and incapable of giving consent.

7. Considered on the submissions. Looking to the statement given by the prosecutrix under Section 164 of the Cr.P.C. and other developments that have taken place, 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