

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6029 of 2021

- Jai alias Jaikishan S/o Shri Tikamchand Dewangan, Aged About 23 Years, R/o Ward No.5, Village : Kura, Police Station: Dharsiwa, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station : Dharsiwa, District : Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Sudhir Sahu, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 29-10-2019 in connection with Crime No.286/2019 registered at P.S. - Dharsiwa, District Raipur, Chhattisgarh for the offence under Section 363, 366, 376(3) of the IPC and Section 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant, this is second bail application filed by the applicant before this Court. His first bail application, MCRC No.3055/2020 was dismissed as withdrawn on 03-06-2020. Learned counsel for the applicant submits that the applicant has been falsely implicated. He is in jail since 29-10-2019. The prosecutrix has been examined in the trial and according to her statement, she is a willing and consenting party. The prosecutrix was not minor on the date of incident. Further, detention of the applicant in jail is nearing two years. Therefore, 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 below 16 years on the date of incident. Further, the diary statement of the prosecutrix and witnesses are clearly against the applicant. Therefore, the application may be rejected.

4. Complainant Pawan Kumar Dewangan is virtually present through Help Desk of the High Court. He has objection in grant of bail to the applicant.

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

6. The prosecution case is this, that this applicant abducted the minor prosecutrix of age below 16 years, kept her in his custody and exploited her sexually for some time until she was recovered by the police. Hence, this case.

7. Considered on the submissions. Considering that the applicant is in jail since about 1 year and 11 months, trial against him has still not concluded and perused certified copy of the deposition of the prosecutrix, without making any comment on the same, I am of this view that this application should be allowed.

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