

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6264 of 2021

- Rohan @ Goldi Pradhan, S/o Shri Naresh Pradhan, Aged About 26 Years, R/o Opposite Petrol Pump Power House Road Torwa P.S. Torwa Bilaspur Tahsil and District-Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Police-Station-Torwa, District-Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate.
For State/respondent	: Mr. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/09/2021

1. This is the second bail application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application MCRC No.8119 of 2020 vide order dated 11.1.2021 was dismissed as withdrawn, in which, there was a direction to the trial Court to conclude the trial within a period of 6 months.
2. This 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.384/2019 registered at Police-Station-Torwa, District-Bilaspur, Chhattisgarh for the offence punishable under Sections 363, 366(C) and 376(D) of IPC and under Section 4 & 6 of POCSO Act, 2012.

3. It is submitted by the learned counsel for the applicant, that more than 6 months have been passed and the trial against the applicant has not completed. All the other witnesses of the prosecution have been examined excepting the prosecutrix herself. The prosecutrix has again gone missing regarding which her father has lodged FIR in the police-station, which is registered as Crime No.182/2021 in police-station-Torba. Certified copy of the summons issued to the prosecutrix are also produced for perusal of the Court, which show the reports that the summons could not be served upon the prosecutrix because she is missing, hence, in this circumstance the applicant is languishing in jail without any fault on his part. All the other witnesses have been examined in the trial, who have not made any statement against this applicant, therefore, it is prayed that this applicant may be enlarged on regular bail.
4. 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 prosecutrix has made a very clear and strong statement against this applicant alleging about abduction, confinement and rape by the applicant and she was minor also, therefore, there is no case present for grant of bail to the applicant, hence, the application be rejected.
5. Complainant Ramesh Yadav is present before this Court and he has no objection in grant of bail to this applicant.
6. I have heard the learned counsel for both the parties and perused the case diary.

7. As per prosecution case, it is alleged that there is allegation that this applicant abducted the minor prosecutrix, kept her in confinement and exploited her sexually without her willingness and consent. Hence, this case.
8. Considered on the submissions. The detention of the applicant in jail is of more than one year. Further, the circumstance that is present that the prosecutrix herself is missing and it is only for her examination in the trial the case is pending. Further, the father of the prosecutrix himself has no objection, hence, in these circumstances, I feel inclined to allow the application of this applicant.
9. 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