

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6090 of 2021

- Premlal Choudhary S/o Ramesh Prasad Choudhary, Aged About 23 Years, R/o Latkonikala Harijantola, Police Station Pendra, District- Gaurela- Pendra- Marwahi, Chhattisgarh., District : Gaurela-Pendra-Marwahi, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Mr. Yogendra Chaturvedi, Advocate.

For Non-applicant/State – Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-09-2021

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 17-03-2021 in connection with Crime No.59/2021 registered at P.S. - Pendra, District- Gaurela-Pendra-Marwahi, Chhattisgarh for the offence under Section 363, 366, 376(2 -ढ), 323 of the IPC and Section 5- ढ, 6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 17-03-2021. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, there is no case present 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 prosecutrix was minor on the date of incident. Further, she has made direct statement against the applicant in her diary statement. Hence, the application may be rejected.

4. The prosecutrix is physically present before this Court on notice and she has 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, this applicant abducted the minor prosecutrix, kept her in his custody and had forcibly physical relation with her on numerous occasions knowing well that she was minor and thus incapable of giving consent.
7. Considered on the submissions. Perused certified copy of deposition of the prosecutrix and according to this deposition she has not supported the case of prosecution against this applicant for which the prosecutor has declared her a hostile witness. Hence, looking to this development in the trial against this applicant, 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