

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6056 of 2021

- Tikaram Nishad S/o Ajitram Nishad, Aged About 23 Years, R/o. Chichpol, Thana - City Kotwali, Baloda Bazar, District - Baloda Bazar Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station - City Kotwali, Baloda Bazar, District - Baloda Bazar Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Samir Singh, Advocate.

For Non-applicant/State – Ms. Shivali Dubey, 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 22-07-2021 in connection with Crime No.381/2021 registered at P.S. - City Kotwali, Baloda Bazar, District - Baloda Bazar, Chhattisgarh for the offence under Section 294, 354, 506/34 of the IPC and Section 8 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 22-07-2021. Charge sheet has been filed. The victim and her mother both have been examined in the trial and they have not supported the prosecution case. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the victim is minor. Further, her diary statement is clearly against the applicant. Therefore, the application may be rejected.

4. The victim is physically present before this Court along with her mother on notice and 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, on the date of incident this applicant first outraged the modesty of the minor victim by physically touching her and subsequent to that he came to the house of the minor victim and abused and threatened the minor victim, regarding which the FIR has been lodged.
7. Considered on the submissions. Perused certified copy of the deposition of the witnesses, the victim and her mother, it is found that they have not supported the prosecution case for which they were declared hostile by the prosecutor. 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