

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6050 of 2021

- Ishwarchandra Mishra S/o Rambabu (@ Kashinaresh Mishra), Aged About 40 Years, R/o Village Odgi, Police Station and Tahsil Odgi, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer , Police of Police Station Odgi, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Anil Gulati, 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 23-03-2021 in connection with Crime No.21/2021 registered at P.S. - Odgi, District - Surajpur, Chhattisgarh for the offence under Section 377 of the IPC and Section 4 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 23-03-2021. 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 this applicant may be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the age of the victim is only 10 years on the date of incident. Further, there is diary statement. Therefore, there is no case present to grant of bail to the applicant.
4. Complainant Priyanka Gurjar is virtually present through Help Desk of

DLSA Surajpur on notice. She has no objection in grant of bail to the applicant.

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

6. The case of prosecution is this, that this applicant committed offence of unnatural sexual intercourse with the minor victim aged 10 years, regarding which the FIR has been lodged.

7. Considered on the submissions. Perused certified copy of the deposition of the victim and the complainant which are filed along with the application, on perusal of the same it is found that both these witnesses have not supported the prosecution case. 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