

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6032 of 2021

- Mukesh Gautam S/o Late Dinesh Kumar Gautam, Aged About 24 Years, R/o Jodhapur Ward Dhamtari, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police of Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

----Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-09-2021

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 02-07-2021 in connection with Crime No.226/2021 registered at P.S. - City Kotwali, Dhamtari, District Dhamtari, Chhattisgarh for the offence under Section 376 of the IPC and Section 6 of the 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 02-07-2021. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, there is nothing left in the prosecution 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 of age below 16 years and further, there are other witnesses yet to be examined in the trial. Therefore, the application may be rejected.

4. The prosecutrix is virtually present through Help Desk of DLSA Dhamtari

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 allured the minor prosecutrix with promise to marry her and then forcibly raped her on more than one occasion. Subsequent to which, the FIR has been lodged.

7. Considered on the submissions. Also perused certified copy of the deposition of the prosecutrix which is filed along with the application which shows that she is hostile as she has not supported the prosecution case. Hence, looking to this development in the trial, 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