

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6232 of 2021

- Manish Gota @ Maniram Gota S/o Munnaram Gota, Aged About 21 Years R/o Kumharpara P.S. And District Narayanpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Of Police Station Narayanpur District Narayanpur Chhattisgarh

---- Non-applicant

For Applicant : Mr. P.K. Tulsyan, Advocate.

For Non-applicant/State : Mr. Amit Kumar Verma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 11.06.2021, in connection with Crime No.65/2021, registered at Police Station- Narayanpur, District- Narayanpur, C.G. for offence punishable under Section 363 and 376(3) of I.P.C. and Sections 4 and 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 11.06.2021. 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, he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that prosecutrix was minor, further her diary statement is clearly against the applicant. Therefore, it is prayed that this application may be rejected.
4. The prosecutrix is virtually present before this Court through the Help Desk of D.L.S.A. Kondagaon 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. As per prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age about 15 years and then he exploited her sexually on more than one occasions regarding which the offences have been registered against the applicant. Hence, this case.
7. Considered on the submissions and also perused the certified copy of deposition of the prosecutrix, which shows that she has not supported the prosecution case for which she has been declared hostile by the prosecutor. Looking to this development in 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