

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6694 of 2021

- Aditya Dewangan S/o Doman Dewangan, Aged About 18 Years, R/o Village Baputola, Ward No. 1, Chauki Chikhali, District Rajnandgaon, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through the Police Station Kotwali, District- Rajnandgaon (C.G.), District : Rajnandgaon, Chhattisgarh

----Non-applicant

For Applicant – Shri S.S. Baghel, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-10-2021

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 10-01-2021 in connection with Crime No.31/2021 registered at P.S. - O.P. Chikhali, P.S. City Kotwali, District- Rajnandgaon, Chhattisgarh for the offence under Section 376(3), 376(2)(ढ), 376(2)(च) of the IPC and Sections 5(ढ), 5(ढ), 6 of the POCSO Act 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 10-01-2021. The prosecutrix has been examined in the trial. The prosecutrix, her brother, her father and her mother all have been examined in the trial and they have not supported the prosecution case. Therefore, there is nothing left in the case 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 secondly, the allegation against this applicant is of very serious nature which is totally against the moral values as the applicant happens to be brother of the minor

prosecutrix. Hence, the application may be rejected.

4. The prosecutrix is virtually present through Help Desk of DLSA Rajnandgaon. 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, it is alleged that this applicant by taking benefit of his dominating position over the minor prosecutrix, his sister, has exploited her sexually by having physical relation with her on more than one occasions, regarding which the FIR was lodged.

7. Considered on the submissions and perused certified copy of the depositions of the witnesses filed along with the application, the prosecutrix, her brother and her father all have turned hostile as they have 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