

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6939 of 2021

- Munna S/o Ramsingh, Aged About 21 Years, Residing at Village Mundagaon P.S. Bhanpuri District Bastar Chhattisgarh, District : Bastar (Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh; Through: The Police Station Ajak District Bastar Chhattisgarh. (As Per Final Report), District : Bastar(Jagdalpur), Chhattisgarh

----Non-applicant

For Applicant – Shri Pravin Kumar Tulsyan, Advocate.

For Non-applicant/State – Shri Ashish Tiwari, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-10-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 17-11-2020 in connection with Crime No.74/2020 registered at P.S. - Ajak, District Bastar, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and under Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (As per challan).

2. It is submitted on behalf of the applicant, that this is second bail application filed by the applicant before this Court. His first bail application MCRC No.9523/2020 was dismissed as withdrawn on 11-02-2021. Learned counsel for the applicant submits that the applicant has been falsely implicated. He is in jail since 17-11-2020. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, it is prayed that this application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application

submitting that the prosecutrix was of age 15 years and further, there are other witnesses are yet to be examined. Therefore, the application may be rejected.

4. The prosecutrix is virtually present through the Help Desk of DLSA Jagdalpur. 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 abducted the minor prosecutrix, kept her in his custody and exploited her sexually knowing well that she is minor and thus incapable of giving consent. The prosecutrix also happens to be a member of Scheduled Tribe.

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