

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7474 of 2020

- Parmeswar Das S/o Narayan Das Aged About 34 Years Resident Of Village Katnaipara, Police Station And Tahsil Sitapur , District Sarguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Sitapur , District Sarguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

 For Applicant : Shri Jitendra Shrivastava, Advocate
 For Respondent/State : Shri Anand Verma, Dy. G.A.
 The prosecutrix is present before this Court.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

06.01.2021

1. Heard.
2. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.98/2019, registered at Police Station Sitapur, District Sarguja (CG), for the offence punishable under Sections 313, 376(2) (n), 114, 376(3), 376-AB of the IPC and Sections 5 L, M, N, J(II), 6, 17 of the Protection of Children from Sexual Offences Act, 2012.
3. Earlier bail application of the applicant was dismissed as withdrawn in MCRC No.7600/2019 vide order dated 16.3.2020.

4. As per the case of prosecution, the applicant is maternal uncle of the prosecutrix. After the death of the parents, prosecutrix resides with the applicant. Allegations against the applicant are that the applicant along with his wife, who is also a co-accused used to send the prosecutrix forcefully with the boys for developing physical relations, due to which, she became pregnant then the applicant has administered her some medicines and committed miscarriage. Based on this, offence has been registered and the applicant was taken into custody.
5. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the crime. He next submits that the statement of the prosecutrix recorded under Section 161 and Section 164 of the CRPC are contradictory in nature. He submits that the prosecutrix has turned hostile before the trial Court and the co-accused has been released on bail by this Court in MCRC No.3422/2020. He submits that the applicant is in jail since 26.9.2019 and trial may take some time for its final disposal therefore, the applicant may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.

7. The prosecutrix, who is present before this Court, on being asked, has stated no objection in granting bail to the applicant.
8. Perused the entire material available on record.
9. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant, charge sheet has been filed and the co-accused have been released on bail and the prosecutrix has turned hostile , I am of the opinion that present is a fit case to release the applicant on bail.
10. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
11. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
12. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE