

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7382 of 2020

- Deepak Paikra @ Pappu Paikra S/o Chaudas Paikra, Aged About 19 Years, Resident of Village Damaru, Police Station City Kotwali, Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station City Kotwali Baloda Bazar, District Baloda Bazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicant – Shri Satya Prakash Verma, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-01-2021

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 25-01-2020 in connection with Crime No.601/2019 registered at Police Station – City Kotwali Baloda Bazar, District Baloda Bazar-Bhatapara, Chhattisgarh for the offence under Section 363, 366 (5), 376 of the IPC and Section 06 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the earlier application filed by the applicant before this Court under Section 439 of the Cr.P.C. was dismissed as withdrawn with liberty to revive the same after examination of prosecutrix. Learned counsel for the applicant submits that the applicant has been falsely implicated. The applicant was working as tractor driver for the complainant. Salary of few months of the applicant was due which was not being paid by the complainant. On raising the demand for payment of salary this false FIR has been lodged. The prosecutrix has been examined in trial and she has made admissions in her cross-examination which clearly exonerate the applicant from the charges against him. The applicant is in jail since 25-01-2020. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that on the date of incident the prosecutrix was of age about 15 years. The date of birth of the prosecutrix is 10-02-2004 which has been established in the evidence also. Further, the statement of the prosecutrix regarding her physical relation with the applicant clearly shows that the offences registered against the applicant have been committed by him. Therefore, the applicant is not entitled for grant of bail.

4. Complainant Ashwani Kumar Sahu is present before this Court on notice. He has submitted that he has strong objection in grant of bail to the applicant.

5. Heard the submissions made and perused the case diary.

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 16 years and then keeping her in his custody he has exploited her sexually on number of occasions until she was recovered by the police.

7. Considered on the submissions and facts of the case. After perusing the copy of depositions of the prosecutrix and other submission regarding dispute of non-payment of salary to the applicant by the complainant which is a ground of defence for false implication, I am of this view that the applicant should be granted regular bail.

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