

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8104 of 2020

- Ramsevak Das S/o Chandraika Das, Aged About 21 Years, R/o Village Manpur, Thana Batauli, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh through Police Station Premnagar, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

----Non-applicant

For Applicant – Shri Akath Kumar Yadav, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-03-2021

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 03-07-2020 in connection with Crime No.46/2020 registered at Police Station - Premnagar, District Surajpur, Chhattisgarh for the offence under Section 363, 366, 376(n) of the IPC and Section 4, 6 of POCSO Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated. The prosecutrix has been examined in the trial and she has not supported the prosecution version. She has clearly stated that she had asked the applicant to take her to his home where she resided for a few days and there was never any physical relation between her and the applicant. Hence, there is no case against this applicant. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that age of the prosecutrix was below 16 years and further her statement under Section 161 and 164 of the Cr.P.C. mainly alleges commission

of offences by this applicant.

4. Complainant Jaindas is present before this Court on notice. He has objection in grant of bail to the applicant.

5. Heard the submissions and perused the case diary.

6. According to the prosecution case, this applicant abducted the minor prosecutrix on 29-06-2020, took her to his own house where he kept her in his custody and exploited her sexually until she was recovered by the police on 02-07-2020.

7. Considered on the submissions. On perusal of certified copy of the deposition of the prosecutrix, it is found that she has not supported the prosecution case on the charge of rape against this applicant. The deposition of the complainant also does not mention of any specific allegation against this applicant. Hence, under these circumstances I am of this view that the applicant should be granted 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