

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7969 of 2020

- Sukhnandan Rajwade S/o Lalram Rajwade Aged About 25 Years R/o Jodhpur, P.S. Lakhanpur, Distt.- Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through, S.H.O. Police Station - Ambikapur, Distt. Surguja (Chhattisgarh), District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Dev Ashish Biswas, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-01-2021

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 18-10-2020 in connection with Crime No.477/2019 registered at Police Station – Ambikapur, District Surguja, Chhattisgarh for the offence under Section 363, 366, 34 of the IPC and Section 17 of POCSO Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated because of previous enmity by the complainant side. The applicant is in jail since 18-10-2020. Charge sheet has been filed. 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 the victim has given very clear and categorical statement against the applicant regarding commission of offence by him. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. The prosecution case is this, that on the date of incident the applicant forced the victim to go along with him on a bus. The victim being under duress

went with him, but on finding opportunity she escaped and came back. Thereafter, the FIR has been lodged and her statement has been recorded.

6. Considered on the submissions and the facts of the case. As the charge sheet has been filed and the case is pending for trial, therefore, I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge