

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.8217 of 2020

- Rameshwar Ram S/o Shri Viraj Ram Aged About 21 Years Caste- Lohar, R/o Village- Lukhee, Chouky- Manora, Thana- District- Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Chouky- Manora, Police Station- Jashpur, District- Jashpur, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Sanjay Agrawal, Advocate.

For Non-applicant/State : Mr. D.P. Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

26-02-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 19.07.2020, in connection with Crime No.149/2020 registered at Police Chouky- Manora, Police Station- Jashpur, C.G. for offence punishable under Sections 363, 376 of I.P.C. and Sections 4 and 6 of POCSO Act and Sections 3(2)(v) and 3(1)(W)(i) of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The applicant is in jail since 19.07.2020. The prosecutrix has been examined in trial and she has not supported the prosecution case. Therefore, there is no case present against this applicant. Hence, it is prayed that this application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application

and submits that there are other witnesses to be examined who may establish the prosecution case, therefore, it is prayed that this application may be rejected.

4. The notice issued to the complainant which was returned served on date 19.02.2021 but there had been no appearance and no representation from the complainant side on that date.
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 and then subjected her to sexual intercourse knowing well that she was unable to give a valid consent being a minor.
7. Considered on the submissions and also perused the certified copy of deposition of the prosecutrix which has been filed along with the application according to which, she is a hostile witness. Hence, looking to this development, I feel inclined to allow this application.
8. Consequently, this application filed by the applicants 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 two local surety each 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