

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8282 of 2020

- Surendra Ram S/o Udaynath Ghasi, Aged About 23 Years, R/o Village- Bhadiya, Thana- Bagicha, District- Jashpur, Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through the Police Station- Bagicha, District- Jashpur, Chhattisgarh, District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sanjay Agrawal, Advocate.

For Non-applicant/State – Shri B.P. Banjare, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-01-2021

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 16-8-2020 in connection with Crime No.99/2020 registered at Police Station – Bagicha, District- Jashpur, Chhattisgarh for the offence under Section 363, 366, 366A, 376, 376(2)(n) of the IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix and her parents have been examined in the trial and they have not supported the prosecution case in any respect. Hence, no case is left against this applicant. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that according to the diary statement of the prosecutrix and other witnesses there is clear allegation against the applicant regarding commission of offence, hence, he is not entitled for grant of bail.

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

5. The case of prosecution is this, that the minor prosecutrix of age about 16 years was abducted by the applicant and then by keeping her in his custody he has exploited her sexually by having physical relation with her.

6. Considered on the submissions. Perused the certified copy of the deposition of the prosecutrix and other witnesses who are her parents and on such perusal it is found that these witnesses have not supported the prosecution case, hence, they were declared hostile by the prosecution. Looking to this development in the case against the applicant, 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