

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8516 of 2020

Gopal Ram, S/o Sewar Ram, Aged About 21 Years, Caste - Lohar, R/o Sarudih, Tahsil Jashpur, Jashpur, District- Jashpur (C.G.)

--- Applicant

Versus

The State of Chhattisgarh, Through Station House Officer, Jashpur, District- Jashpur (C.G.)

--- Respondent

For Applicant : Mr. A.K. Prasad, Advocate.

For State/ Respondent : Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25/02/2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 170/2020, registered at Police Station- Jashpur, District- Jashpur (C.G.) for the offence punishable under Section 363, 366, 376, 376(2)(ढ), 376(2)(न) of IPC and Section 4, 5(ढ), 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 22.08.2020 and has been falsely implicated in this case. The prosecutrix and her father have been examined in the trial, who have not supported the case of the prosecution, therefore, no case is left against this applicant. Hence, it is

prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that there are other witnesses yet to be examined, who are the witnesses against this applicant. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. The case of the prosecution is this, that the applicant abducted the minor prosecutrix and then, by keeping her in his custody, he has exploited her sexually on numerous occasions, regarding which, FIR has been lodged.
6. Considered on the submissions and the facts present in this case. Perused the certified copy of deposition of the prosecutrix and her father, who are hostile witnesses. Looking to this development, I feel inclined to allow the bail application of this applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge