

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8515 of 2020

- Raghvendra @ Sonu Goswami S/o Ashok Das, Aged About 21 Years, Cast Vaishnav, R/o Tulsi Nagar Korba, P.S. Kotwali District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station, Pamgarh, District Janjgir-Champa (Chhattisgarh), District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sumit Singh, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-03-2021

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 22-07-2020 in connection with Crime No.248/2020 registered at Police Station – Pamgarh, District Janjgir-Champa, Chhattisgarh for the offence under Section 376 of the IPC and Section 6 of POCSO Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The applicant has not committed any offence as it is alleged in the charge sheet. The prosecutrix has been examined in the trial and she has not supported the prosecution case at all. Hence, there is nothing 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 the statement of the prosecutrix under Section 161 and 164 of the Cr.P.C. had been clear and categorical against the applicant regarding commission of offence of rape on her. Therefore, no case is made out for grant of bail.

4. Notice was issued to the complainant which was returned served for the

date 18-01-2021, but there was no appearance and no representation.

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

6. According to the prosecution case, it is alleged that on the date of incident the applicant had been to the house of the minor prosecutrix of age between 11 and 12 years and while performing some pooja for the prosecutrix he asked her parents to leave the room and then it is alleged that he forcibly raped the minor prosecutrix.

7. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix which shows that she is totally a hostile witness. Further, it is a submission of the applicant's counsel that the medical report also does not support the prosecution case. Hence, after considering also on the MLC report of the prosecutrix, I feel inclined to allow this petition.

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