

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8542 of 2020

- Lokesh Tandan S/o Gangaram Tanan, Aged About 23 Years, R/o Ward 3, Indira Colony, Balodabazar Police Station City Kotwali, Balodabazar District (Revenue and Civil) Balodabazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Palari, District (Revenue and Civil) Balodabazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhatapara, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sumit Jhavar, Advocate.

For Non-applicant/State – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-03-2021

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 08-10-2020 in connection with Crime No.346/2020 registered at Police Station – Palari, District (Revenue and Civil) Balodabazar-Bhatapara, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 of POCSO Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The prosecutrix and her mother both have been examined in the trial and they have not at all supported the prosecution case. Therefore, nothing is left in the prosecution against this applicant. Hence, it is prayed that he may be granted bail.

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 case of the prosecution against this applicant. Therefore, the application may be rejected.

4. Notice issued to the complainant has been returned served, but there is

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 this applicant abducted the minor prosecutrix and by keeping her in his custody he exploited her sexually, regarding which the FIR has been filed.

7. Considered on the submissions and also perused copy of the deposition of the prosecutrix and her mother who have not supported the prosecution case in any respect, therefore, they have been declared hostile by the prosecutor. Hence, looking to this development, I feel inclined to allow this application.

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