

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8292 of 2021

- Dhiraj Barman S/o Ravi Barman, Aged About 22 Years, R/o Bangalipara Ajirma Ward No. 4, Police Station Gandhinagar, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. AJAK, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Shri Abhishek Pandey, Advocate.

For Non-applicant/State – Shri Pawan Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-11-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 13-04-2021 in connection with Crime No.08/2021 registered at P.S. - AJAK, Ambikapur, District Surguja, Chhattisgarh for the offence under Section 376(2)(m), 363, 366A, 341, 342 of the IPC and under Section 3 {2-5} of SC & ST (Prevention of Atrocities) Act and Section 6 of POCSO Act.

2. It is submitted on behalf of the applicant, that this is second bail application filed by the applicant before this Court. His first bail application MCRC No.4971 of 2021 was dismissed as withdrawn on 08-09-2021. Learned counsel for the applicant submits that the applicant has been falsely implicated. He is in jail since 13-04-2021. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, it is prayed that this applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Notice issued to the complainant/prosecutrix has been returned served,

but there is no appearance and 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, kept her in his confinement and exploited her sexually on number of occasions knowing well that she was minor and thus incapable of giving consent. The prosecutrix is also a member of Scheduled Caste.

7. Considered on the submissions and perused certified copy of the deposition of the prosecutrix which shows that the prosecutrix has not supported the prosecution case and she is a hostile witness. 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