

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9426 of 2020

- Dheeraj Singh S/o Sarvan Singh, Aged About 29 Years, R/o New Shimlapuri, Ludhiyana (Panjab)., District : Ludhiana, Punjab

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Dongergarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri Shikhar Sharma, Advocate.

For Non-applicant/State – Shri Chitendra Singh, Panel Lawyer.

Shri Avinash Chand Sahu, Advocate for complainant - Ramakant Mishra and Vinay Mishra.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-03-2021

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 28-09-2020 in connection with Crime No.695/2019 registered at Police Station – Dongergarh, District Rajnandgaon, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4 & 6 of Protection of Children from Sexual Offences Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The prosecutrix has been examined in the trial and she has not made any statement against this applicant regarding commission of any offence by him. Therefore, there is no case present. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the prosecutrix was minor and then her statement in the investigation is clearly against this applicant. Therefore, the application may be rejected.

4. Learned counsel for the complainant submits that the complainant has no objection in grant of bail to this applicant.

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 of age below 16 years, took her to Ludhiyana where he kept her in his custody and continuously exploited her sexually knowing well that she was not competent to give consent.
7. Considered on the submissions. Certified copy of the deposition of the prosecutrix has been filed which shows that she has not supported the prosecution case and therefore, she was 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