



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.4935 of 2023**

Jitendra Rajak Son Of Late Ramsharan Rajak Aged About 30 Years
Resident Of Jamatpara, Basantpur, District : Rajnandgaon,
Chhattisgarh **---Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Basantpur,
District : Rajnandgaon, Chhattisgarh **---Non-Applcant**

For Applicant: Shri Anmol Sharma appears on behalf of
Shri SS Baghel, Advocates.
For Non-Applcant/State: Shri Amit Kumar Verma, PL.

Hon'ble Shri Justice Deepak Kumar Tiwari**Order on Board****13.07.2023**

1. This is the 1st 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.648/2022 registered at P.S Basantpur, District Rajnandgaon (CG) for the offence under Sections 363/34, 366/34, 376-D (two times), 506 Part-II and 328 IPC, under Section 6 of the POCSO Act as also under Sections 4/25 (1B) (B) and 5/27 (1) of the Arms Act.

2. Prosecution case is that the present Applicant, along with other co-accused, had committed forcible sexual intercourse with the prosecutrix by threatening to kill her, therefore, the offence as aforesaid has been registered against the present Applicant.

3. Learned Counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated in the crime in question for



which, he is in jail since 11.09.2022, he has no criminal past, the prosecutrix and her mother did not raise any objection with regard to grant of bail to the Applicant before the Court below, she had turned hostile and not supported the case of the prosecution and conclusion of trial is likely to take quite some time, therefore, considering all these aspects, he may be released on bail.

4. On the other hand, learned State Counsel opposed the bail application.

5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, considering the nature of accusation, the prosecutrix and her mother did not raise any objection with regard to grant of bail to the Applicant before the Court below and she had turned hostile and not supported the case of the prosecution, also considering the pre-trial detention, without further commenting anything on merits, I am inclined to allow the application.

6. Accordingly, the application is **allowed** and it is directed that on Applicant's furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, he shall be released on bail. He shall however, make his appearance before the concerned Court as and when so directed.

Sd/-

(Deepak Kumar Tiwari)
Judge