



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5074 of 2023

- Rohit Minj S/o Bhola Ram Minj, Aged About 19 Years R/o Jamdih Akhadapara, Police Station Sitapur, District Surguja (Chhattisgarh)

--- Applicant.

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sitapur, District Surguja (Chhattisgarh)

--- Respondent.

CAUSE TITLE DOWNLOADED FROM CIS PERIPHERY

For Applicant	:	Mr. Sanjay Pathak, Adv.
For Respondent/State	:	Mr. Anil Tripathi, PL.

Hon'ble Shri Justice Deepak Kumar Tiwari
Order On Board

19.07.2023

This application under Section 439 Cr.P.C. for grant of bail has been filed by the accused/applicant who has been arrested on 27.12.2022 in connection with Crime No.379/2022 registered at Police Station Sitapur, Surguja for the offence punishable under Sections 363, 366, 376 (घ) (क) & 376 (2) (n) of the IPC and Sections 5(ठ)/6, 5 (छ)/6 of the POCSO Act, 2012.

2. Allegation against the accused/applicant is that, he along with co-accused Vimlesh Khes abducted the minor prosecutrix from the lawful guardianship and committed rape with her.

3. Learned counsel for the applicant submits that applicant is innocent and he has falsely implicated in the crime in question. He also submits that prosecutrix has been examined before the trial Court and she has not supported the case of the prosecution in respect of the present applicant and clearly stated that at the time of incident the present applicant was not present there. He also submits that father of



the prosecutrix has also been examined and turned hostile. He submits that the applicant is languishing in jail since 27.12.2022 and conclusion of the trial is likely to take some more time. He also submits that the applicant would abide by all terms and conditions imposed on him while granting bail. Therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the submission and submits that during the hearing of bail application before the Court below, prosecutrix and her father raised objection in respect of the bail application.

5. Having considered the submission of learned counsel for the parties and considering the facts and circumstances of the case, further considering the nature of allegation, statement of the prosecutrix and her father as also considering the period of pretrial detention of the applicant, without commenting anything on merits of the case, I am inclined to release the applicant on bail.

6. Accordingly, this application is **allowed**. It is directed that on applicant's furnishing a personal bond in the sum of **Rs.25,000/-** with **one** surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail, on the following conditions:-

- (a) he shall make himself available for interrogation by a police officer as and when required,
- (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial,
- (c) he shall not involve himself in any offence of similar nature in future.

Sd/-
(Deepak Kumar Tiwari)
Judge

Ajay