

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 274 of 2018**

Mukesh Dewangan Son Of Late Shri Jailal Dewangan, Aged About 19 Years
R/o Village Shivnandanpur, Basti, Police Station Vishrampur, District
Surajpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Bhatgaon, District Surajpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Jitendra Shrivastava, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.03.2018**

Heard.

1. This is the first 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.272 of 2017, registered at Police Station – Bhatgaon, District - Surajpur, Chhattisgarh for the offence punishable under Sections 363, 366A and 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 31.10.2017 and he has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The prosecutrix has been examined before the trial Court; she has turned hostile

and not supported the case of the prosecution. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that on the date of incident the prosecutrix was below 17 years. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The prosecutrix in this case went missing on 29.10.2017. A missing report was lodged by the mother of the prosecutrix on 31.10.2017. Thereafter, the minor prosecutrix was recovered from the custody of this applicant. On the basis of which, FIR was lodged and the case has been registered against the applicant.

6. Considered the entire material present in the case-diary and perused the statement of the prosecutrix. From the certified copy of the statement of the prosecutrix before the concerned trial Court, it appears that she has not made a single statement in support of the prosecution because of which, she has been declared hostile. Hence, for these reasons, this application deserves to be allowed.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi