

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 424 of 2018**

Kisun @ Ram Kisun S/o Budhna Ram Kujur Aged About 23 Years R/o
Poksari Tikrapara P. S. Batouli, Dist. Surguja, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh S/o Through The Station House Officer, Police Station
Kamleshwarpur, Dist. Surguja, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Jitendra Shrivastava, Advocate.
For the Respondent/State	:	Shri Vivek Singhal, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.03.2018**

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.39 of 2017, registered at Police Station – Kamleshwarpur, District – Surguja, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2)(dha) of the Indian Penal Code and Section 3(5)(tha)(6) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 22.6.2017 and 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; where she has turned hostile and not supported the case of the prosecution. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the prosecutrix was a minor on the date of incident. Hence, the applicant is not entitled for grant of regular bail.

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

5. According to the prosecution case, the minor prosecutrix in this case went missing on 29.5.2017. A missing report was lodged on 13.6.2017. Thereafter, on 21.6.2017, the minor prosecutrix was recovered from the custody of this applicant. On the basis of the statement given by her, the offences were registered against the applicant.

6. Considered the entire material present in the case-diary and perused the certified copy of the statement of the prosecutrix before the concerned trial Court, wherein 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 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