

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 261 of 2018**

Kailash Ekka S/o Shri Jailal Ekka Aged About 22 Years R/o Village Chhatatarai, Police Station And Tahsil Lailunga, District Raigarh Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Lailunga, District Raigarh Chhattisgarh.

---- Respondent

For the Applicant : Shri Ajeet Kumar Yadav, Advocate.
For the Respondent/State : Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.03.2018**

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.165 of 2017, registered at Police Station – Lailunga, District - Raigarh, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 22.8.2017 and he has been falsely implicated in this case. The applicant has not committed any offence. The prosecutrix has been examined before the trial Court; she turned hostile and has not made any allegation against the applicant. 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.

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

5. As alleged, this applicant abducted the minor prosecutrix on the pretext of marrying her and established physical relationship with her. Hence, this case.

6. Perused the contents of the case-diary and also perused the certified copy of the statement of the prosecutrix. As in her statement before the concerned Court during the trial she has turned hostile and has not supported the case of the prosecution, hence, looking to the development of things, I am of the considered view that the applicant deserves to be released on regular bail.

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