

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No. 470 of 2018**

- Narad S/o Janak Bhatri, Aged About 25 Years R/o Village Lavar, Police Station Simga, District Revenue And Civil Baloda Bazar Bhatapara Chhattisgarh, Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Station Simga, District Revenue And Civil Balodabazar Bhatapara Chhattisgarh, Chhattisgarh.

**---- Respondent**

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For the applicant : Shri Vineet Kumar Pandey,  
Advocate

For the Respondent/State : Shri Vivek Singhal, PL.

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

**Order on Board**

**21.03.2018.**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 172/2016, registered at Police Station –Simga, District – Balodabazar- Bhatapara, (C.G), for the offence under Section 363, 366, 376 of the Indian Penal Code, and 04, 16, 17 of Protection of Children From Sexual Offences, Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 23.05.2017. No offence has been committed by the present applicant, the prosecutrix in this case turned hostile before the trial Court and not supported the prosecution case, therefore,

no case is made out against this applicant, hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State opposes the bail application and submits that at the date of incident the prosecutrix was minor girl, hence, no case is made out for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. It is alleged that the applicant abducted minor prosecutrix making false promise to marry her and had physical relationship with her during the time she stayed with him in Bilaspur and Rajasthan. After the recovery of prosecutrix from the custody of this applicant, on the basis of statement given by the prosecutrix the case was registered against this applicant.
6. Considered on the material present in the case diary and also perused the certified copy of the statement of the prosecutrix before the trial Court, as prosecutrix has turned hostile and not supported the prosecution case, hence, for this reason I am of the opinion that this is a fit case where the applicant is entitled for grant of bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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