

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 438 of 2018**

Jitendra Baghel, S/o. Sudarshan Baghel, Aged About 22 Years, R/o. Sajan Das Colony, B.S.U.P. Saddu Raipur Block P-3/8, Police Station -Vidhan Sabha, Raipur Tahsil and District -Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Officer-In-Charge, Police Station -Vidhan Sabha, Raipur Tahsil and District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Badruddin Khan, Advocate

For State/respondent : Mr. Aaditya Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**26/03/2018**

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.141/2017, registered at Police Station – Vidhan Sabha, Raipur, District – Raipur (C.G.), for the offence punishable under Section 366, 363, 376 (2) (ढ) of the Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix in

this case was a consenting party and her age according to the radiologist report was between 18 to 19 years. Further the prosecutrix has been examined before the trial Court and she has not supported the case of the prosecution because of which she has been declared hostile by the prosecution. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that according to the mark-sheet collected in the investigation, the age of the prosecutrix was about 16 years on the date of incident, hence, no case is made out of consent, therefore, the applicant is not entitled to be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The allegation against the applicant is this that he abducted the minor prosecutrix from the lawful guardianship and then exploited her sexually.
6. Considered on the submissions made and the contents of the case diary and also perused the certified copy of the statement of the prosecutrix before the trial Court, according to which, she has turned hostile and not supported the case of the prosecution. Looking to the development in this case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram