

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 796 of 2018

- Rahul Jogi, S/o Khikh Ram, aged about 26 years, R/o Village Jhilmili, P. S. Mulmula, Civil & Revenue District- Janjgir-Chaampa (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Station- Jhagrakhand, Civil & Revenue District Koriya (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Adil Minhaj, Advocate.
For Respondent/State	: Mr. Vijay Bhadur Singh, Penal Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

02/04/2018

1. Heard.
2. 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. 59/2016 registered at Police Station- Jhagrakhand, Civil & Revenue District – Koriya (Chhattisgarh) for the offence punishable under Section 363, 366, 376 (2)(n) of the Indian Penal Code and Section 4, 6 & 10 of Protection of Children from Sexual Offences Act, 2012.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case, the applicant is in jail since 07.06.2017, no case is made out against the applicant on the basis of material present in the charge-sheet. The prosecutrix in this case has been examined and

declared hostile for not supporting the prosecution case, hence, it is prayed that applicant be enlarged on regular bail.

4. Learned State counsel opposes the bail application and submits that the age of the prosecutrix was below 18 years on the date of incident, hence, he is not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, the prosecutrix was missing from 08.03.2016 and a report was lodged against the unknown person in the police station by the father of the prosecutrix. Prosecutrix was recovered on 07.06.2017 from the custody of this applicant and thereafter on the basis of the statement given by the prosecutrix, the case was registered against him.
7. Considering the entire material present in the case diary, and also perused the certified copy of the statement of the prosecutrix alongwith the application according to which, she has not supported the case of the prosecution; she has been declared hostile and that there is no substantial progress in the trial, hence, I am of this opinion that applicant should be benefited with grant of regular bail.
8. 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 Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge