

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 804 of 2018

- Santosh Jataw S/o Dorilal Jataw Aged About 21 Years R/o Silari, Police Station Dewri, Tehsil And Revenue District Sagar Madhya Pradesh., District : Sagar, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgar Through Station House Officer, Police Station, Basna, Civil And Revenue District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sunil Verma, Advocate.
For Respondent/State	:	Mr. V.B. Singh, Panel Lawyer.

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

28/03/2018

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.56/2017 registered at Police Station— Basna, Civil and Revenue, District— Mahasamund(C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Sections 4 & 6 of Protection of Children from Sexual Offence Act, 2012.
2. Learned counsel for the applicants submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 12.11.2017. The prosecutrix in this case was a major girl at the time of incident and she was a consenting party. Later on, applicant and prosecutrix both have married and now the prosecutrix is pregnant. Prosecutrix has been examined before the trial Court and she has

been declared hostile and has not supported the case of prosecution.

Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. The allegation against this applicant is this, that he abducted the minor prosecutrix and established physical relationship with her and on account of which offences have been registered against him.
6. After perusing the certified copy of deposition of prosecutrix herself and her father and mother. These witnesses have not supported the case of prosecution for which they have declared hostile. Looking to the development of things, I am of this view that applicant deserves to be enlarged on regular 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