

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 846 of 2018**

Lalit Kumar Naag S/o Mr. Mandu Ram, Aged About 24 Years R/o Village Hatchapai, Platpara, P.S. Dhanora District Kondagaon Chhattisgarh,
District : Kondagaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Dhanora District
Kondagaon Chhattisgarh, District : Kondagaon, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Ankur Agrawal, Advocate.
For the Respondent/State	:	Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.04.2018**

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.12 of 2016, registered at Police Station – Dhanora, Kondagaon, District – Kondagaon, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 22.12.2016 and he has been falsely implicated in this case. Presently, the case is before the trial Court and 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. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of the prosecutrix was below 18 years on the date of incident. Hence, the applicant is not entitled for grant of bail.

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

5. The allegation against this applicant is that he abducted the minor prosecutrix from lawful guardianship on the basis of the false promise to marry her and thereafter, he committed sexual intercourse with her on various occasions. According to the statement of the prosecutrix, she made her escape and after coming back to Kondagaon, she has lodged FIR against this applicant. Hence, this case.

6. Perused the contents of the case-diary and also perused the certified copy of the deposition of the prosecutrix. According to the statement before the concerned Court during the trial, she has turned hostile and has not supported the case of the prosecution. Similar statement has been given by mother and brother of the prosecutrix who have also been declared hostile. 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 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