

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7850 of 2017**

Sukhsagar Sarthi, S/o. Paluram Sarthi, Aged About 33 Years, R/o. Village Dhanagar, Devlas Para Kotra Road, Raigarh, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Kotra Road, Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. M.K. Jaiswal, Advocate

For Respondent/State : Mr. Ashok Kumar Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**26/02/2018**

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.218/2017, registered at Police Station –Kotra Road, Raigarh, District – Raigarh (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Father of the prosecutrix has lodged false report and the applicant has not committed any offence, applicant is in jail since 03.06.2017. It is also

submitted that prosecutrix has been examined before the trial Court in which she has been turned hostile and not supported the case of the prosecution, therefore, it is prayed that the applicant may be enlarged on 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 on the date of incident, the prosecutrix was a minor girl and there is sufficient evidence against this applicant for his prosecution, hence he 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. Brief facts of the case are that the applicant enticed the minor prosecutrix, aged below 18 years on the date of incident and abducted her, kept her in confinement in his house for almost one month. Prosecutrix was recovered from the custody of the applicant and on the basis of statement given by her, the other offences of rape and POCSO Act has been registered against this applicant.
6. Considered the submissions made and the contents of the case diary and perused the certified copy of the deposition of the prosecutrix in this case, who has turned hostile in this case and not supported the case of the prosecution, hence for this reason, 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