

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1303 of 2018**

Gokul Nishad S/o Dwarika Nishad Aged About 21 Years R/o- Manglour,
Police Station Berla, District- Bemetara, Chhattisgarh, District : Bemetara,
Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through- Station House Officer Police Station
Nandghat District- Bemetara., District : Bemetara, Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.04.2018**

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.360 of 2017, registered at Police Station Nandghat, District – Bemetara, Chhattisgarh for the offence punishable under Sections 363, 366(A) and 376 of the Indian Penal Code and Sections 5(I) and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The charge-sheet has been filed and the prosecutrix has also been examined before the trial Court and she has not supported the case of the prosecution. 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.
4. Heard counsel for both the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix went missing because of which, a missing report was lodged by her mother. After recovery of the prosecutrix from the custody of the applicant, FIR was lodged and the case has been registered against the applicant.
6. Considered the entire material present in the case-diary and perused the certified copy of the statement of the prosecutrix before the concerned trial Court, wherein she has been declared hostile for not supporting the case of the prosecution. Hence, for these reasons, this application deserves to be allowed.
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