

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1373 of 2018**

Shankar Bais, S/o. Madan Bais, Aged About 19 Years, R/o.- Behind Govt. High School, Krishna Gaushala, Madhuban Road, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through- The Police Station City Kotwali Bilaspur, District : Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. S.S. Baghel, Advocate
For State/respondent	: Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**20/04/2018**

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.421/2017, registered at Police Station – City Kotwali, District – Bilaspur (C.G.), for the offence punishable under Section 363, 366, 376, 294, 506, 34 of the Indian Penal Code and Section 5 & 6 of the POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 26.10.2017. Presently the case is before the trial Court and the prosecutrix and her parents have been examined before the trial Court,

who have not supported the case of the prosecution case and have been declared hostile by the prosecutor. Hence, under these circumstances, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the case of the prosecution, this applicant along with juvenile offender abducted the minor prosecutrix and took her to a forest area and both of them committed gang rape with her. Thereafter, both of them threatened to kill the prosecutrix in case she discloses about the incident to anybody and also used abusive words for her. Thereafter, the FIR was lodged. Hence this case.
6. Considered on the submissions made and the contents of the case diary and also perused the certified copy of the deposition of the prosecutrix and her parents. Perusal of the statement of the prosecutrix and her parents shows that they have not supported the case of the prosecution and have been declared hostile. Hence, looking to this development in the trial against the applicant, 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