

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1217 of 2018

- Kishan Dinkar S/o Ramcharan Dinkar, aged about 21 years, R/o Village Parasbhata, P.S. Balco Nagar, District- Korba (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer P.S. Balco Nagar, District- Korba (Chhattisgarh).

---- Respondent

For Applicant	:	Mr. Akhilesh Kumar, Advocate.
For Respondent/State	:	Mr. Vinod Tekam, 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.219/2017 registered at Police Station– P.S. Balco Nagar, District– Korba (C.G.) for the offence punishable under Sections 363, 366 and 376 of Indian Penal Code and Section 5 & 6 of Protection of Children from Sexual Offences, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Case is presently before the trial Court and the prosecutrix has been examined and declared hostile by the prosecution for not supporting the case of the 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. According to prosecution case, on the date of incident this applicant abducted the minor prosecutrix and committed forcefully sexual intercourse with her.
6. After due consideration on material present in the case diary and certified copy of the statement of the prosecutrix herself before the trial Court, it appears that she has not supported the case of the prosecution and has been declared hostile, she happens to be the material witness in this case, and also looking to the nature of allegation, I am inclined that the applicant should be granted 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