

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1352 of 2018**

Vanshraj Korwa @ Kheera S/o Shivram @ Shivraj Aged About 21 Years
R/o.- Karji Sohga, Police Station- Darima, District- Surguja, Chhattisgarh.,
District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station-
Jhilmili, District- Surajpur, Chhattisgarh, District : Surajpur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sangeet Kumar Kushwaha, Advocate.
For the Respondent/State	:	Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.05.2018**

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.19 of 2017, registered at Police Station Jhilmili, District – Surajpur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(dha) 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 22.2.2017 and has been falsely implicated in this case. The prosecutrix has been examined before the trial Court; she turned hostile and 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, this applicant abducted the minor prosecutrix and with a false promise to marry her established physical relation with her on number of occasions which amounts to rape. 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. Hence, looking to the development and change in the circumstances, I feel inclined to grant regular bail to the applicant.
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