

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2031 of 2018

- Jitendra Chelak S/o Shri Bhukhan Chelak aged about 26 years, R/o Village Nawagaon P.S. maro, Distt.- Bemetara (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through: P. S. Supela Distt.- Durg (Chhattisgarh).

---- Non-applicant

For Applicant	: Mr. Vipin Tiwari, Advocate.
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/05/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who have been arrested in connection with Crime No. 439/2017 registered at Police Station- Supela, District- Durg (Chhattisgarh) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code & 5(L), 6 of Protection of Children from Sexual Offences Act, 2012 (For short "POCSO Act").
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case as no case is made out against this applicant. He further submits that applicant is in jail since 14.10.2017. The prosecutrix has been examined at the trial Court but she has not supported the prosecution case, hence, under these circumstances it

is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submitted that the prosecutrix was a minor girl at the time of incident, Therefore, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. The case of the prosecution is that this applicant abducted the minor prosecutrix on 25.05.2017. A missing report was lodged on 20.04.2017, after lodging the FIR, prosecutrix was recovered from the custody of this applicant, thereafter on the basis of statement given by her offences were registered against this applicant. Hence this case.
6. Considered the contents of the case diary and also a certified copy of the deposition of prosecutrix before the trial Court. On perusal of her statement it appears that she has not supported the case of the prosecution and has been declared hostile, for this reason, I am of this opinion that applicant should be benefited with grant of 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 Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge