

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 2107 of 2018**

Gopal Sidar, S/o. Shri Mohan Sidar, Aged About 28 Years, R/o- Kumhari Pathan, P.S. Sakti and District- Janjgir Champa, Civil and Revenue District- Janjgir-Champa, Chhattisgarh.

---- Applicants

**Versus**

State Of Chhattisgarh Through- Police Station- City Kotwali, Raigarh, District- Raigarh, Chhattisgarh.

---- Respondent

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| For Applicant        | : Mr. Manoj Kumar Sinha, Advocate  |
| For State/respondent | : Mr. Aaditya Sharma, Panel Lawyer |

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

**Order On Board****03/05/2018**

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.688/2015, registered at Police Station – City Kotwali, Raigarh, District – Raigarh (C.G.), for the offence punishable under Section 363, 366, 376 of the Indian Penal Code & Sections 4 & 6 of Protection of Children from Sexual Offences Act.
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 13.06.2017. No case is made out against him according to the

case of the prosecution. Prosecutrix has been examined before the trial Court and she has not supported the case of the prosecution. Hence, under these circumstances, it is prayed that he may 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 submitting that the prosecutrix in this case is minor, therefore, the bail application may be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, mother of the prosecutrix has lodged FIR on 11.09.2015 that this applicant abducted the minor prosecutrix aged about 14 years from the custody of her lawful guardian and he kept her in confinement in Sonipat, Haryana, where he raped her on number of occasions because of which, the prosecutrix became pregnant and has given birth to a female child. Hence, the FIR has been registered against the applicant.
6. Considered on the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and also perusal of the certified copy of the deposition of the prosecutrix, before the trial Court, which shows that she has not supported the case of the prosecution and because of which, she has been declared hostile, hence for this reason, 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