

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2075 of 2018

- Sunil Lakda S/o Lal Ji Lakda, Aged About 26 Years, At Present Resident of Jamnipali, P.S. Darri, District- Korba, Chhattisgarh. Permanent R/o- Village- Rigniya P.S. Bango, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- P.S. Darri, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant – Mr. F.S. Khare, Advocate.

For State/Non-applicant – Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07/05/2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 30-12-2017 in connection with Crime No.167/17 registered at P.S. - Darri, District- Korba, Chhattisgarh for the offence under Section 363, 366 and 376 of the IPC and Section 4 of POCSO Act, 2012.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 30-12-2017. The trial has commenced, the prosecutrix has been examined before the trial Court and she has not supported the case of prosecution. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. The case against the applicant is this, that he abducted the minor prosecutrix and by keeping her in a rented house he established physical

relation with her, which amounts to rape. Hence, this case.

6. Considered on the material present in the case diary and also perused the certified copy of deposition of the prosecutrix who has not supported the case of prosecution, for which, she has been declared hostile, hence, considering this change in circumstances, I am of this view that this applicant should be granted regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge