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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2192 of 2018**

Rajjak Ali S/o Hasan Ali Aged About 23 Years R/o- Tendukona, Police Station Tendukona, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, P.S. Kabirnagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri P.K. Patel, Advocate.
For the Respondent/State : Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.05.2018**

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. 62 of 2017, registered at Police Station Kabirnagar, Raipur, District Raipur, Chhattisgarh for the offences punishable under Sections 366, 363 and 376 of the Indian Penal Code and Sections 4 and 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 8.8.2017 and has been falsely implicated in this case. The prosecutrix has been examined before the trial Court; she has turned hostile and 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 committed the offence of rape with her.
6. Perused the contents of the case-diary and also perused the certified copy of the deposition of the prosecutrix before the trial Court in which she has not stated anything adverse against the applicant because of which, she has been declared hostile by the prosecutor and she also stated that her age is about 19 years on the date of incident. Hence, looking to the development of things, I am of the considered view that the applicant deserves to be released 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge