

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2278 of 2018

- Sushil Paikra S/o Ramvilas Aged About 24 Years, R/o Village Shivpur, Uraonpara, Police Station Batouli, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sitapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Vivek Kumar Pandey, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-05-2018

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 06-03-2017 in connection with Crime No.13/2017 registered at Police Station Lundra, Distt. Surguja, Chhattisgarh for the offence under Section 363, 366, 366A, 376(2)(ढ) and 109 of the IPC and Section 5(ढ), 6, 17 of Protection of Children from Sexual Offences 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 06-03-2017. The trial against him has commenced and the prosecutrix has been examined before the trial Court and she has not supported the case of prosecution. Hence, under these circumstances, 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 both the parties and perused the case diary.
5. According to the prosecution case, this applicant abducted the minor prosecutrix and then after alluring her with false promise to marry her, he

established physical relation with her on a number of occasions. Age of the prosecutrix at the time of incident was 14 years. Hence, this case.

6. Considered on contents of the case diary and also perused certified copy of the deposition of the prosecutrix, who has stated before the Court that her age is 19 years and she has not supported the case of prosecution, because of which, she has been declared hostile. Hence, after considering on the change that has taken place because of hostility of the prosecutrix, I am of this view that this applicant should be released on 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