

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3628 of 2018**

Anshul Shrivastava, S/o. Shyam Bahadur, Aged About 19 Years, R/o.- Kotwarpara Chitalanka, Police Station- Dantewada, District- Dantewada, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station- Dantewada, District- Dantewada, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Goutam Khetrapal, Advocate
For State/respondent	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/07/2018**

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.106/2017, registered at Police Station – Dantewada, District – Dantewada (C.G.), for the offence punishable under Section 363, 376 (2) (झ) (ढ) of the Indian Penal Code and Section 5 (ठ), 6 of Protection of Children from Sexual Offences Act, 2012.
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 16.09.2017. No case is made out against the applicant. Prosecutrix in this case has been examined before the trial Court and she has not supported the case of the prosecution. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The allegation against this applicant is that he abducted the minor prosecutrix and then exploited her physically and sexually for sometime. Hence this case.
6. Considered on the submissions made and the contents of the case diary and also perused the certified copy of the deposition of the prosecutrix, she has in no manner given any support to the prosecution case because of which, she has been declared hostile. Hence, under these circumstances, no purpose would be served, if the, applicant is kept in custody, 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