

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 4603 of 2018**

Saajan Bairagi S/o Rajendra Bairagi Aged About 19 Years R/o- Choti Line  
Irani Dera Railway Station Pandari Raipur, District- Raipur, Chhattisgarh.,  
District : Raipur, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through- Station House Officer, Chhawani, District-  
Durg, Chhattisgarh., District : Durg, Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri A.C. Sahu, Advocate.  
For the Respondent/State : Ms. Smita Ghai, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****17.07.2018**

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.336 of 2017, registered at Police Station – Chhawani, District – Durg, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 5(tha) 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 18.06.2017 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix has been examined before the trial Court and she has 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. It is submitted that the prosecutrix was a minor on the date of incident and there is evidence about the commission of offence by the applicant. Hence, for these reasons, he is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the applicant abducted the minor prosecutrix and committed rape with her.

6. Perused the contents of the case-diary and also perused the certified copy of the deposition of the prosecutrix. According to the statement before the concerned Court during the trial, she has turned hostile and has not supported the case of the prosecution. Hence, looking to the development and change in the circumstances, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing

before the concerned trial Court, this order granting bail shall stand cancelled automatically.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge

Nimmi