

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5067 of 2018**

Amit Kachchap S/o Surajnarayan Kachchap Aged About 27 Years R/o Village Bhedmi Chowki, Ganesh Mod, P. S. Balrampur, District Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Balrampur, District Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Pushkar Sinha, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.08.2018**

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.140 of 2017, registered at Police Station – Balrampur, District Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(n) of the Indian Penal code and Sections 5(1) 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 2.11.2017 and has been falsely implicated in this case. The prosecutrix has been examined before the trial Court; she turned hostile and 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.
4. Heard counsel for both the parties and perused the case diary.
5. The allegation against the applicant is that he on pretext of marrying the minor prosecutrix established physical relationship with her and committed the offence of rape. Hence, this case.
6. Considered the entire material present in the case-diary and perused the certified copy of the statement of the prosecutrix before the concerned trial Court, wherein she has been declared hostile. Hence, looking to the development and change in the circumstances, I am of the considered opinion that the applicant deserves to be released on 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 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