

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1672 of 2017**

Rajkumar Ravi S/o Bholu Ram, 18 Years 6 Months R/o Kanakpur,
Police Station Ramanujanj District Balrampur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Ramanujanj District
Balrampur Chhattisgarh.

---- Respondent

For the Applicant : Shri Rishikant Mahobia, Advocate.
For the Respondent/State : Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.01.2018**

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. 90 of 2016, registered at Police Station Ramanujanj, District Balrampur, Chhattisgarh for the offence punishable under Sections 363, 366, 342 and 376(2)(dha) of the Indian Penal Code and Section 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 17.10.2016 and has been falsely implicated in this case. It is further submitted that the prosecutrix and her father have been examined before the trial Court who 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. The case of the prosecution, in brief, is that the applicant expressing his love with the prosecutrix, a minor girl, forced her to submit to sexual intercourse with him. This relationship continued up to 12.10.2016 and a written complaint is given on 15.10.2016 by the police station Ramanujganj, District Balrampur, on the basis of which the case has been registered.
6. On perusal of the certified copy of the statements of the prosecutrix and her father before the trial Court which is attached with this applicant, it is apparently clear that both these witnesses have turned 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 the applicant shall be released on bail on her 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 her appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi