

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7561 of 2017**

Vasu Khare S/o Late Binda Khare Aged About 23 Years R/o Bapu Upnagar, Railway Colony Torwa, Police Station Torwa District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through SHO Police Station Torwa District Bilaspur Chhattisgarh.

---- Respondent

For the Applicant : Shri Rupesh Shrivastava, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.01.2018**

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.337 of 2017, registered at Police Station – Torwa, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 3, 4, 11 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The applicant and the prosecutrix had friendship between them. Because of some misunderstanding, a false FIR has been lodged by father of the prosecutrix. The trial has commenced and the prosecutrix herself and her parents have given their statement before the

trial Court in which they have not supported the case of the prosecution and have been declared hostile. 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 age of the prosecutrix is just 16 years on the date of incident. Hence, for these reasons, the applicant is not entitled for grant of bail.

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

5. It is alleged in the prosecution case that on the date of incident at about 3:00 am in the night when the prosecutrix came out of her house for toilet, the applicant forcefully took her to his own house and raped her.

6. Considered the submissions and perused the certified copy of the statements of the prosecutrix herself, mother - Sita Hathgen and father – Bharatlal Hathgen recorded before the trial Court, in which it has been noticed that all these witnesses have turned hostile and have not supported the prosecution case. Hence, looking to the development of things, I am of the considered view that the applicant deserves to be released 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge