

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7979 of 2017**

Shivprasad, S/o. Madhuwa Tandon, Aged About 30 Years, R/o. Village Kera,
P. S. Nawagarh, District -Janjgir Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : SHO -Jaijaipur, District -Janjgir-Champa
Chhattisgarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Akhtar Hussain, Advocate
For Respondent	:	Mr. Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****28/02/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 46/2017, registered at Police Station- Jaijaipur, District – Janjgir-Champa (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of Protection of Children from Sexual Offence Act, 2012.
2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. Prosecutrix and applicant had love affair and the prosecutrix was major on the alleged date of incident, who willingly accompanied this applicant and both of them have stayed in Jharkhand for about one month. It is also submitted that prosecutrix has been examined before the concerned trial Court, in which she has stated that she is aged 20 years and the applicant has not made any physical relation with her. Therefore, it is prayed that the applicant be enlarged on regular bail.

3. Learned State counsel opposes the application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. As per the prosecution case, the prosecutrix went missing on 16.03.2017. A missing report was lodged by the father of the prosecutrix on 19.03.2017. On 18.04.2017, the prosecutrix was recovered from the custody of this applicant and thereafter on the basis of her statement, FIR has been lodged against this applicant registering the offence against him.
6. Considered the submissions made and the contents of the case diary. Considering the entire material present in the case diary and also perused the certified copy of the statement of the prosecutrix before the concerned trial Court in which she turned hostile and not supported the case of the prosecution, 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 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge