

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8491 of 2018

- Rahul Kherwar S/o Ganesh Kherwar Aged About 21 Years R/o- Sakin Dindo Kherwaripara, Police Chouki- Dindo, P.S.- Trikunda, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Akath Kumar Yadav, Advocate.

For Respondent : Mr. N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

19/11/2018

1. This is 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.22/2017 registered at Police Station– Trikunda, District– Balrampur-Ramanujganj(C.G.) for the offence punishable under Sections 363, 366(a), 376(2)(n) read with 34 of the Indian Penal Code and Section 5(L)/6,16 of the Protection of Children From Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out

against him. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case, hence, it is prayed that this applicant may be benefited with grant of regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. It is alleged that this applicant along with co-accused abducted the minor prosecutrix and then subjected her to forceful sexual intercourse without her consent and willingness. Hence, this case.
6. Perused the certified copy of deposition of the prosecutrix filed along with the application according to which prosecutrix has not supported the prosecution case and she has been declared hostile, for these reasons, I am of this view that this is a fit case where applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge