

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1350 of 2019**

- Balakdas, S/o Shri Pyarelal Baghel, Aged About 40 Years, R/o Buchipara P.S City Kotwali, District-Mungeli, Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, City Kotwali, District-Mungeli, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Dheerendra Pandey, Advocate.

For Respondent : Mr. Lav Sharma, Panel Lawyer.

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

**02/08/2019**

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.159/2018 registered at Police Station–City Kotwali, District–Mungeli(C.G.) for the offence punishable under Sections 376 of the Indian Penal Code & 04, 06 of POCSO Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant have not committed any offence. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case, therefore, nothing is left in the prosecution case against the applicant, hence, it is prayed that he may be released on 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. According to prosecution case, the applicant is step father of the prosecutrix. It is alleged, that on the date of incident this applicant raped the minor prosecutrix of age about 17 years regarding which FIR has been lodged.
6. On perusing the certified copy of the deposition of the prosecutrix herself, her brother & sister, it is found that these witnesses have not at all supported the prosecution case, therefore, they have been declared hostile. Hence, looking to this development that has been taken place in the trial, I feel inclined to allow the application of this applicant.
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 his 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