

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3587 of 2019

- Pankaj Kumar Sarthi, S/o Shri Santosh Sarthi, Aged About 21 Years, R/o Village Bazar Chowk, Police-Station-Palari, District-Balodabazar Bhatapara, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh Through Police Station City Kotwali Balodabazar, District-Balodabazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anchal Kumar Matre, Advocate.

For Respondent : Mr. Aditya Sharma, Panel Lawyer.

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

29/07/2019

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.247/2019 registered at Police Station– City Kotwali, Balodabazaar, District– Balodabazaar, Bhatapara(C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code & Section 4, 9 of POCSO Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 19.04,2019. No case is made out against him. The prosecutrix in this case has been examined before the trial Court, who has not supported the prosecution case. Similarly placed witnesses examined and have not supported the prosecution case, hence, there is nothing left 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 the prosecution case, the prosecutrix is a minor girl. The applicant abducted the prosecutrix and by taking her different places, he exploited her sexually. Hence, this case.
6. Considering the entire material present in the case diary and also perused the certified copy of the depositions of the witnesses filed along with the application, the prosecutrix PW-2 has not identified the applicant and, further, she has not made any statement regarding the commission of offence, as alleged, under these circumstances and development in this case, 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 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