

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4278 of 2019

- Chhannu @ Vikash Marai (Pardhi), S/o Gokul Marai, Aged About 22 Years, R/o Village-Chhindoula, Post Office & Police-Station Gariyaband, District-Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station-Magarlod, District-Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Advocate.
For Respondent	:	Mr. Roshan Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/08/2019

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.12/2019 registered at Police Station–Magarlod, District– Dhamtari(C.G.) for the offence punishable under Sections 363, 366 & 376(2) of the Indian Penal Code & 4/6 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. He is in jail since 15.1.2019. No case is made out against him. The prosecutrix and her mother both have been examined before the trial Court, who have not at all supported the prosecution case, 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. The case of prosecution is this, that the prosecutrix is a minor girl, who was abducted by the applicant and then she was exploited sexually by him. Hence, this case.
6. Considering the entire material present in the case diary and also perused the copy of deposition of the prosecutrix and her mother, which has been filed along with the application which reflects that no adverse statement has been given for the applicant, therefore, the prosecution has declared these witnesses hostile. Looking to this development, 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