

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 4335 of 2019**

Dayalu Sarthi @ Surya S/o Kishore Sarthi Aged About 21 Years R/o Sanjay Nagar, Kurud, Post Office And Police Station - Kurud, District - Dhamtari Chhattisgarh.

**---- Applicant****Versus**

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

**---- Respondent**


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For the Applicant : Shri Shivendu Pandya, Advocate.  
For the Respondent/State : Shri Priyanshu Gupta, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****14.08.2019**

Heard.

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.15 of 2019, registered at Police Station – Magarlod, District – Dhamtari, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 8.5.2019 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix and her parents have been

examined before the trial Court who have not supported the prosecution case, therefore, there is nothing left in this case against the applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, this applicant has abducted the minor prosecutrix and has exploited her sexually.

6. On perusal of the certified copy of the deposition of the prosecutrix and her parents, it is found that they have not supported the case of the prosecution because of which, they have been declared hostile by the prosecution, hence, looking to this development, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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. In case any default is committed by the applicant/s in appearing

before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge

Nimmi