

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4349 of 2019**

Lavesh Kumar Dhruv, S/o. Late Pardeshi Dhruv, Aged About 22 Years, R/o. Village Nawapara (Parsada B), Mahasamund, Police Station, Tahsil And District- Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station Mahasamund, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ganesh Ram Burman, Advocate
For Respondent/State	: Mr. Sanjay Pathak, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****23/09/2019**

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.260/2019, registered at Police Station – Mahasamund, District – Mahasamund (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 and 6 of Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 26.03.2019. No offence has been committed by this applicant. The prosecutrix in this case has been examined before the trial Court and she has not supported the prosecution case, therefore, nothing is left in the prosecution case. Therefore, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. The prosecutrix being minor below 16 years, notice was sent to the informant/complainant, which has been served, but there is no representation.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, this applicant abducted the minor prosecutrix and then by taking her to different places, he exploited her sexually.
7. Considered on the submissions made and the contents of the case diary. On perusal of the certified copy of the deposition of the prosecutrix, it is found that she has not at all supported the prosecution case, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge