

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4632 of 2019**

Paneshwar Paikra, S/o. Komalsay Paikra, Aged About 21 Years, R/o. Kaskela Manjhapara, Outpost Latori, Police Station Jainagar, District- Surajpur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Jainagar, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anil Gulati, Advocate
For Respondent/State	: Mr. Jitendra Shukla, 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.93/2019, registered at Police Station – Jainagar, District – Surajpur (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 of POCSO 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 19.04.2019. The prosecutrix in this case has been examined before the Court below in which she has very clearly stated that she was major at the time of incident and had willingly accompanied the applicant to stay with him but they never had any physical relation because of which the prosecution has declared her hostile. 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. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, this applicant abducted the minor prosecutrix and by taking her to Manendragarh, he lived there with the prosecutrix as husband and wife and exploited her sexually.
6. 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 very clearly denied that the applicant has having physical relation with her and she has been declared hostile by the prosecution, 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.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge