

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5140 of 2019**

Vinay Mehar, S/o. Vishnu Mehar, Aged About 29 Years, R/o. Village- Ghutheli,
Police Station- Pathariya, District- Mungeli, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station-
Fasterpur, District- Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Qamrul Aziz, Advocate
For Respondent/State	: Ms. Akanchha Jain, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****04/09/2019**

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.17/2019, registered at Police Station – Fasterpur, District – Mungeli (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4, 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 10.02.2019. The prosecutrix has been examined before the trial Court and she has not supported 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. It is submitted that the prosecutrix was minor of age 16 years and five months on the

date of incident, therefore, no case is made out for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the applicant allured the minor prosecutrix with promise to marry her and then abducted her and took her to various places, where he exploited her sexually.
6. Considered on the submissions made and the contents of the case diary. Perused the certified copy of deposition of the prosecutrix filed along with the application and it appears that she has not supported the prosecution case in any manner, 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