

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5170 of 2019

- Chand Saket S/o Gorakka Saket Aged About 23 Years R/o Movaiyya Fish Market, Shram Vihar, Jhopadpatti, Alam Bag, District Lucknow Uttar Pradesh. At Present Resident Of Lalpur, Vegetable Market, Near Sheetla Talab, Jhopadpatti, Raipur, Police Station Tikrapara, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Nevai, District Durg Chhattisgarh

---- Non-applicant

For Applicant : Mr. Shikhar Bakhtiyar, Advocate.

For Non-applicant/State : Mr. Chandrabhushan Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-09-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 13.02.2019 in connection with Crime No.283/2019, registered at Police Station– Nevai, District- Durg, Chhattisgarh for offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 5(अ) & 6 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 13.02.2019. This applicant has not committed any offence. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case. Therefore, nothing is left against the applicant in the prosecution case. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the prosecutrix was a minor on the date of incident when she was abducted by the applicant and taken to Lucknow, U.P. While staying there for some time, the prosecutrix was sexually exploited by the applicant because of which, she became pregnant. The F.I.R. has been lodged on 11.11.2016. The prosecutrix was recovered from the custody of this applicant and thereafter, the offence has been registered against him.
6. On perusal of the certified copy of the deposition of prosecutrix filed along with the petition, it is filed that she has not supported the prosecution case in any manner. Therefore, she had been declared hostile by the prosecution. Hence, looking to this development, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.
8. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge