

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5317 of 2019

- Jayant Sidaar S/o Fulssay Siddar Aged About 18 Years R/o Maahuldeep, Police Station Maalkharauda, District Janjgir - Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Dabhra, District Janjgir - Champa Chhattisgarh

---- Non-applicant

For Applicant : Mr. Ishwar Jaiswal and Mr. Ramsajiwan,
Advocates.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

27-09-2019

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 26.01.2019 in connection with Crime No.542/2018, registered at Police Station—Dabhra, District- Janjgir- Champa, Chhattisgarh for offence punishable under Sections 363, 366 and 376 of I.P.C. and Sections 4 and 6 of POCSO Act.
2. It is submitted by learned counsel for the applicant that no case is made out against this applicant and he is in jail since 26.01.2019. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case, therefore, 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, this applicant abducted the minor prosecutrix and took her to Jharkhand, where while staying for sometime, he exploited her sexually.
6. On perusal of the certified copy of deposition of the statement of the prosecutrix filed along with the application, it is found that she has not supported the prosecution case and has turned hostile. 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