

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5695 of 2019**

Domesh Kumar Vishwakarma S/o Dhal Singh Aged About 23 Years R/o Village- Jagannathpur, Police Station And District Balod Chhattisgarh, Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through Station House Officer, Police Station Balod, District Balod Chhattisgarh.

---- Respondent

For the Applicant : Shri Rajkumar Pali, Advocate.
For the Respondent/State : Ms. Akanksha Jain, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.09.2019**

Heard.

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.450 of 2018, registered at Police Station – Balod, District – Balod, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 20.11.2018 and has been falsely implicated in this case. No incident has occurred as it is alleged in the FIR. The prosecutrix has been examined before the trial Court and she has not made any statement against this

applicant. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Complainant – Ramcharan Sahu is present alongwith the prosecutrix before this Court. Both of them have made a statement that they have no objection in grant of bail to this applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, this applicant abducted the minor prosecutrix and then exploited her sexually.

7. On perusal of the copy of the deposition of the prosecutrix which is filed alongwith the application, it is found that she has clearly denied regarding physical relation with the applicant because of which, she has been declared hostile by the prosecution. Hence, looking to this development, I feel inclined to grant bail to the applicant in this case.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi