

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1342 of 2020

Vijay Kumar Gendre S/o Jailal Gendre Aged About 22 Years Resident Of Satnami Basti, Gondwara, Near Madhu Kirana Stores, Police Station- Khamtra, Raipur, District-(Revenue And Civil) - Raipur Chhattisgarh. --- **Petitioner**

Versus

State of Chhattisgarh through Station House Officer, Police Station- Khamtra, District- Raipur Chhattisgarh. --- **Respondent**

For the applicant : Mr. Yogesh Pandey, Advocate.
For the State/Respondent : Mr. S.C. Verma, Advocate General

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.05.2020

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.194/2019 registered at Police Station Khamtra, Distt. Raipur (C.G) for the offences punishable under Sections 363, 366, 376(3) of IPC and section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 14.04.2019 the applicant has enticed away the prosecutrix, a minor girl, from the lawful custody of her parents and thereafter committed sexual intercourse with her. Subsequently the girl was recovered and a report was lodged against the applicant.
3. Learned counsel for the applicant referred to the statement of the prosecutrix which is on record and would submit that the prosecutrix has been examined and she has turned hostile. He further submits that the applicant is in jail since 18.09.2019 and the charge sheet has been filed, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application.

5. Perused the statement of the prosecutrix. It appears that she has not supported the case of prosecution. The applicant is stated to be in jail since 18.09.2019. Considering such facts situation of the case, without expressing any opinion on the merits of the case, I am inclined to allow the bail application.
 6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

Rao