

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1688 of 2020

Vijay Kashyap S/o Late Samaru Kashyap Aged About 18 Years Residing At Village Bade Badam Police Station Parpa District Bastar Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Parpa, District Bastar Chhattisgarh.

---- Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate
For Respondent/State	: Mr. V.R. Tiwari, Addl. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/05/2020

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.160/2019, registered at Police Station – Parpa, District – Bastar (C.G.) for the offence punishable under Section 363, 366 (A), 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 01.11.2019. Trial has made some progress, in which, the prosecutrix has been examined,

who has very clearly not supported the prosecution case. Hence, 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.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As alleged, the applicant has abducted the minor prosecutrix and then has committed the offence of rape with her.
6. On perusal of the certified copy of the deposition of the prosecutrix filed along with the bail application, it is found that she has been declared hostile by the prosecution for not supporting the prosecution case, therefore, looking to this development, 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