

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1905 of 2020**

Chandraprakash Dewangan @ Prakash (wrongly mentioned as Chandraprakash Dewangan in the impugned order), S/o Baliram Dewangan Aged About 37 Years R/o Village Chandkhuri, Kenalpara, P.S. Pulgaon, District Durg, Chhattisgarh.

---- **Applicant****Versus**

State Of Chhattisgarh Through- Police Station- Pulgaon, District Durg, Chhattisgarh.

---- **Respondent**

For Applicant	: Mr. Prasoon Agrawal, Advocate
For Respondent/State	: Mr. Animesh Tiwari, Dy.A.G.

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

03/06/2020

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.02/2019, registered at Police Station – Pulgaon, District – Durg (C.G.) for the offence punishable under Section 363, 366, 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 08.11.2019. The prosecutrix has been examined before the trial Court and she has not at all supported the prosecution case, therefore, nothing is left against this applicant. 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. It is submitted that the prosecutrix was clearly minor on the date of incident, therefore, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, the victim aged 16 years and 10 months has lodged FIR, that this applicant on the pretext of marrying her has enticed her and took her to a place in Gujrat, where he exploited her sexually for considerable time, regarding which FIR has been lodged.
6. After perusing the 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