

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2989 of 2020**

Anup Yadav S/o Ram Prasad Yadav Aged About 24 Years R/o Village Kulhadkatta, Thana Bhanupratappur, District U.B. Kanker Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through Police Station Bhanupratappur, District U.B. Kanker, Chhattisgarh

---- Respondent

For Applicant	: Mr. Parag Kotecha, Advocate
For Respondent/State	: Mrs. Fouzia Mirza, Addl. A.G.

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

05/06/2020

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.219/2019, registered at Police Station – Bhanupratappur, District – U.B. Kanker (C.G.) for the offence punishable under Section 376, 376 (2) (n) of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (1)b, 3 (2) (v) of S.C. & S.T. (Prevention of Atrocities) Act.
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 09.12.2019. The prosecutrix has been examined before the trial Court and she has 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. According to the prosecution case, this applicant has sexually exploited the minor prosecutrix having knowledge that she is the member of scheduled tribe. Hence this case.
6. Copy of the deposition of the prosecutrix is attached with the application according to which, it is found that she has not at all supported the prosecution case, therefore, she was declared hostile by the prosecutor, hence, 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