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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2352 of 2020**

Ganpat Boga, S/o. Kanak Ram Boga, aged about 24 years, Cast- Ganda, R/o Village Hidaddh, P.S.- Ambagarh- Chowki, District- Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : S.H.O.- Ambagarh- Chowki, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Hemant Gupta, Advocate
For Respondent/State	: Mr. Sudeep Verma, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/06/2020**

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.06/2019, registered at Police Station – Ambagarh Chowki, District – Rajnandgaon (C.G.) for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 5 & 6 of POCSO 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 23.08.2019. The prosecutrix has been examined in this case and she has not supported the prosecution case. Copy of her deposition has been filed along with the bail application. 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. It is submitted that according to the entry in the school register, the prosecutrix was 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, it is alleged that this applicant abducted the minor prosecutrix and then he has exploited her sexually.
6. Perused the copy of the deposition of the prosecutrix, which shows that she has been declared hostile by the prosecutor 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