

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3252 of 2020

Bidhul Nagesiya, S/o Mansai Nagesiya, Aged About 25 Years, R/o- Ambakona Osta, Police Station- Mahuadad, District- Latehar (Jharkhand)

---- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Samripath, District- Balrampur-Ramanujganj (C.G.)

--- Respondent

For Applicant	:	Mr. Jitendra Shrivastava, Advocate.
For Respondent	:	Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11/06/2020

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. 61/2019, registered at Police Station- Samripath, District- Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 363 & 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 12.12.2019 and has been falsely implicated in this case. No case is made out against the present applicant. The prosecutrix has been examined before the trial court and has not supported case of the prosecution. Hence, it is prayed that the applicant be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail

application submitting that age of the prosecutrix was 16 years and 6 months old on the date of incident, therefore, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the records.
5. As per the facts of the case, it is alleged that the applicant abducted the minor prosecutrix and exploited her sexually by taking her to different places for which FIR has been lodged.
6. After considering the facts and circumstances of the case and also new development that the prosecutrix has been declared hostile before the trial court by the prosecutor, for not supporting the prosecution case, therefore, I am of the view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge