

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3347 of 2020**

Mitesh Singh S/o Santosh Singh God, Aged About 21 Years R/o Bhadrpara Bargarh Chouk, Police Station Balko Nagar, District Korba Chhattisgarh.

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

State Of Chhattisgarh, Through Police Station Balko Nagar, District Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vikash Pandey, Advocate
For Respondent/State	: Mr. V.R. Tiwari, 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.429/2019, registered at Police Station – Balko Nagar, District – Korba (C.G.) for the offence punishable under Section 363, 342, 376 (2) (n) 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 19.10.2019. The prosecutrix has been examined before the trial Court and she has not at all 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, it is alleged against the applicant that he abducted the minor prosecutrix and then he sexually exploited by confining her in a place, regarding which FIR has been lodged.
6. On perusal of the copy of the deposition of the prosecutrix and her mother, it is found that both the witnesses have declared hostile by the prosecutor for not supporting the prosecution case, 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