

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3558 of 2020**

Jaidusudan Gorai Alias Raja Sahu S/o Ganesh Gorai Aged About 22 Years
R/o Ambagarh Chauki, Bazar Chauk, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Kotwali, District
Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri S.S. Baghel, Advocate.
For the Respondent/State : Shri Ravish Verma, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.06.2020**

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.263 of 2019, registered at Police Station – Kotwali, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2) of the Indian Penal Code and Section 5 read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 16.5.2019 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix has been examined before the trial Court and she has not supported the case of the prosecution, therefore, nothing is left in the prosecution against the applicant. 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 and the submissions made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age just about 16 years and then he exploited her sexually on number of occasions. Hence, this case.
6. Perused the copy of the deposition of the prosecutrix produced alongwith the application, it appears that she has been declared hostile for not supporting the case of the prosecution. Hence, looking to this development, I am of the considered view that this is a fit case for grant of regular bail to the applicant.
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. 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge