

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3600 of 2020**

Prakash Mukherjee S/o Raju Mukherjee, Aged About 22 Years R/o Village Bharari, Police Station Arjuni, District Dhamtari Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through - Station House Officer, Police Of Police Station Arjuni, District - Dhamtari Chhattisgarh.

---- Respondent

For the Applicant : Shri Anil Gulati, Advocate.
For the Respondent/State : Shri Vimlesh Vajpayee, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.08.2020**

Heard.

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.277 of 2019, registered at Police Station – Arjuni, District – Dhamtari, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2) of the Indian Penal Code and 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 30.11.2019 and has been falsely implicated in this case. He has not committed any offence. The prosecutrix in this case has been examined before the trial Court although she has not been cross-examined by the counsel for defence but she is a hostile witness, therefore, there is no case

against this 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. It is submitted that according to the statement of the prosecutrix given in the investigation, no case is made out for grant of bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the applicant abducted the minor prosecutrix and then by keeping her in his custody he exploited her sexually on pretext that he will marry her.

6. Perused the copy of the deposition of the prosecutrix produced alongwith the application, it appears that she has been declared hostile by the prosecution itself although the deposition is not complete as the counsel for defence has not cross-examined the witness but considering the hostility of the prosecutrix herself and the other circumstances present, I feel inclined to grant regular 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 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

Nimmi