

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3615 of 2020

Ravindra Kumar Yadav S/o Pravesh Yadav, Aged About 23 Years R/o Bara, Thana Bihra, District - Saharsa (Bihar).

---- Applicant

Versus

State Of Chhattisgarh, Through, Police Station - Shankargarh, District - Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vikash Pandey, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.

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.52/2016, registered at Police Station – Shankargarh, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 363, 366, 342, 376 (2) (n) of the Indian Penal Code and Section 4 & 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 16.08.2019. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case. Certified copy of the deposition of the prosecutrix has been filed. 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 submitting that the case diary is not available and the case against the applicant may be established by examining the remaining witnesses in the trial, therefore, the application be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, as alleged this applicant abducted the minor prosecutrix and then he has exploited her sexually on number of occasions by keeping her in his custody.
6. Perused the certified copy of the deposition of the victim and other witnesses filed along with the bail application and it is found that the prosecution has declared these witnesses hostile 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