

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3759 of 2020

Dushyant Dhimar, S/o Gurukumar Dhimar, Aged About 21 Years, R/o Village - Kandel, P.S. Arjuni, District- Dhamtari (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through P.S. - Kurud, District- Dhamtari (C.G.)

--- Respondent

For Applicant : Mr. P.R. Patankar, Advocate.

For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22/06/2020

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. 196/2019, registered at Police Station- Kurud, District- Dhamtari (C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC & 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 01.10.2019 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 she has not supported case of the prosecution in any respect. Further, the prosecutrix has also made statement that her date of birth is 12.12.2001, therefore, she was major on the alleged

date of incident, 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 according to entry in Aadhar Card, the prosecutrix was minor on the alleged date of incident, hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that this applicant has exploited the minor prosecutrix sexually regarding which FIR has been lodged. On perusal of certified copy of deposition of the prosecutrix and other witnesses, it is found that the prosecutrix has been declared hostile before the trial court, for not supporting the prosecution case.
6. After considering the fact that the prosecutrix has turned hostile before the trial court, therefore, looking to this development, 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 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

Arun