

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3722 of 2020**

Dharamjeet @ Dharam Agriya S/o Ramsingar Agriya Aged About 24 Years
Residence Of Village Odari, Saarbagra, Thana Chalgali, District Balrampur
Ramanujganj Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Chalgali, District Balrampur
Ramanujganj Chhattisgarh.

---- Respondent

For the Applicant : Shri Vikas Pandey, Advocate.
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.08.2020**

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.98 of 2019, registered at Police Station – Chalgali, District – Balrampur, Ramanujganj, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(i)(n) of the Indian Penal Code and Sections 4 and 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 14.10.2019 and has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has been declared hostile for not supporting the case of the prosecution, therefore, no case is made

out against the applicant. Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

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 the age of the prosecutrix was only about 14 years on the date of incident and she has clearly stated making allegations against the applicant in her diary statement, therefore, no case is made out for grant of bail to the applicant.

4. Notices were issued to the complainant in compliance with Section 439(1A) of the Cr.P.C. and in the said notice earlier date was fixed, but there had been no appearance of the complainant or representation on his behalf on that date.

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

6. As per the case, it is alleged that this applicant abducted the minor prosecutrix and then by keeping her in his custody he has exploited her sexually on numerous occasions.

7. Considered the submissions and the facts that are present in the case and also perused the certified copy of the deposition of the prosecutrix which is filed alongwith the application which shows that she has been declared hostile for not supporting the case of the prosecution. Therefore, looking to this development, I am of this view that it is a fit case where the applicant

should be benefited with grant of regular bail during the pendency of trial.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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