

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3716 of 2020

Durgesh @ Jasveer Anand, S/o Late Bisan Lal, Aged About 21 Years,
R/o Bombay Aawas Urla, District- Durg (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through S.H.O., Police Station Mohan Nagar,
District- Durg (C.G.)

--- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate.

For State/ Respondent : Mr. Ravish Verma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

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. 85/2019, registered at Police Station- Mohan Nagar, District- Durg (C.G.) for the offence punishable under Sections 376, 506 of IPC & Section 5 (ठ) & 6 of Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 23.12.2019 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, therefore, nothing is left 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 submitting that on the date of incident, age of the prosecutrix was 16 years and she had also given statement in favour of the prosecution to the police, therefore, 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 on a number of occasions by putting her under threat regarding which FIR has been lodged. Certified copy of deposition of the prosecutrix has been filed along with this application which shows that the prosecutrix has been declared hostile before the trial court by the prosecutor, 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