

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4230 of 2020

Aakesh Nagesiya, S/o Ramfal Nagesiya, Aged About 21 Years, R/o Kharakona, P.S. Lundra, District- Surguja (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Lundra, District- Surguja (C.G.)

--- Respondent

For Applicant : Mr. Nishi Kant Sinha, Advocate.
For State/ Respondent : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09/07/2020

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. 144/2018, registered at Police Station- Lundra, District- Surguja (C.G.) for the offence punishable under Section 363, 366A, 376(2)(n) of IPC and Section 5(L) r/w Section 6, 5(J)(ii) r/w 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 03.01.2019 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 at all supported the prosecution case, hence, it is prayed that this applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix was minor on the date of incident and her statement may be able to establish her case, 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 abducted the minor prosecutrix and then he has exploited her sexually on a number of occasions.
6. On perusal of certified copy of deposition of the prosecutrix, filed along with this petition, it is found that she has been declared hostile by the prosecution for not supporting the prosecution case. Looking to this development, 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.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge