

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4241 of 2020**

Surendra Nishad, S/o. Mangtu Ram Nishad, aged about 22 years, R/o. Somwari Bazar Navapara, P.S. Gobra Navapara, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, P.S. Gobra Navapara, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Suresh Kumar Verma, Advocate
For Respondent/State	: Mr. Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****11/08/2020**

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.409/2019, registered at Police Station – Gobra Navapara, District – Raipur (C.G.) for the offence punishable under Section 376 the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act.
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 prosecutrix has been examined before the trial Court and she has not supported the prosecution case and made

no allegation against the applicant, therefore, nothing is left in this case against this applicant. It is prayed that the applicant may be released on bail.

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 prosecutrix was minor on the date of incident and she has made categorical statement in the investigation against the applicant, therefore, the application be rejected.
4. Prosecutrix/complainant is present today before this virtual Court through Help Desk of this High Court and she has made no objection in grant of bail.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that this applicant has by use of force committed the offence of rape with minor prosecutrix of age about 14 years, regarding which FIR has been lodged.
7. Considered on the submissions and facts of the case and also perused the certified copy of the deposition of the prosecutrix and other witnesses. It is found that the prosecution has declared the prosecutrix hostile for not supporting the prosecution case, therefore, looking to this development and also the statement of no objection in grant of bail, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram