

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6472 of 2020**

Satish Sharma @ Shekhar, S/o. Jayanti Prasad, aged about 22 years, R/o. - Village Parasiya, P.S. Bisalpur, District Pilibhit, Uttar Pradesh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Jainagar, District Surajpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shakti Raj Sinha, Advocate
For Respondent/State	: Mr. Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**08/10/2020**

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.51/2018, registered at Police Station – Jainagar, District – Surajpur (C.G.) for the offence punishable under Section 363, 366, 376 (2) (n) of 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. He is in jail since 10.12.2019. The prosecutrix has been examined before the Court below and she has very clearly not supported the prosecution case. Therefore, under these circumstances, 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 is minor on the date of incident and there are other witnesses to be examined who may support the prosecution case, therefore, the applicant is not entitled for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then on the pretext of marrying her, he has continuously exploited her sexually regarding which, FIR has been lodged.
6. Considered on the submissions made and also perused the certified copy of the deposition of the prosecutrix filed along with the application, which shows that she has been declared hostile by the prosecutor. Looking to this development, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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