

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7283 of 2020**

Bhupendra Kumar Dhruw, S/o. Nandu Dhruw, aged about 21 years, R/o. Parewadih, Police Station -Magarlod, District Dhamtari, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : The Police Station Fingeshwar, District Gariyanband, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Raza Ali, Advocate
For Respondent/State	: Mr. Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****04/12/2020**

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.76/2019, registered at Police Station – Fingeshwar, District – Gariyaband (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. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case, therefore, no case is left against the applicant. Hence, 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 according to the diary statement of the prosecutrix and other witnesses, no case is made out 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 by keeping her in his custody, he had physical relation with the minor prosecutrix, which amounts to commission of offence or rape.
6. Considered on the submissions and the facts of the case. Certified copy of the deposition of the prosecutrix has been filed along with the bail application according to which, the prosecutor has declared the prosecutrix hostile for not supporting the prosecution case, hence under these circumstances, 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