

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6735 of 2020**

Prakash Lakda S/o Kalam Sai Aged About 22 Years R/o Village Sakhouli
Uraon Para, Police Station Dhourpur, District Surguja Chhattisgarh, District :
Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Lundra,
District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Anil Singh Chauhan, Advocate.
For the Respondent/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.11.2020**

Heard.

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.150 of 2018, registered at Police Station – Lundra, District – Sarguja, Chhattisgarh for the offence punishable under Sections 363, 366A and 376(2)(n) of the Indian Penal Code and Section 5(L) of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 10.1.2019 and has been falsely implicated in this case. No such incident has occurred. The prosecutrix has been examined before the trial Court and she has not supported the case of the prosecution. Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

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 has supported the prosecution case in the statement under Section 161 of the Cr.P.C. and also in the statement under Section 164 of the Cr.P.C. before the Magistrate. Therefore, no case is made out for grant of regular bail to the applicant.

4. Complainant – Chowdhary is present before this virtual Court through the Help-Desk of DLSA, Ambikapur. He made a statement that he has objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix aged about 14 years 11 months and then by keeping her in his custody, he exploited her sexually.

7. Considered the submissions and perused the copy of the deposition of the prosecutrix produced alongwith the application. According to which, it is found that she has been declared hostile by the prosecution for not supporting the case, therefore, I feel inclined to grant regular bail to the applicant.

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. 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge