

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8055 of 2020**

Matulal Agariya S/o Shri Sonsay, Aged About 20 Years R/o Village Dharami
Ourajhariya, Police Station Ramchandrapur, District Balrampur
Ramanujganj Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Ramchandrapur, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For the Applicant : Shri Rishi Rahul Soni, Advocate.
For the Respondent/State : Shri B.P. Banjare, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.12.2020**

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.32 of 2019, registered at Police Station – Ramchandrapur, District – Balrampur-Ramaujganj, Chhattisgarh for the offence punishable under Sections 363, 366, 376(2)(n) and 368, 34 of the Indian Penal Code and Sections 4 and 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 7.8.2020 and has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Co-accused – Bagholan has been granted bail by the Co-ordinate

Bench of this Court in M.Cr.C. No. 712 of 2020 vide order dated 16.3.2020.

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 case against the applicant may be established by the statement of other witnesses. Hence, no case is made out for grant of regular bail to the applicant.

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

5. As per the prosecution case, the allegation against the applicant is that he abducted the minor prosecutrix of age below 18 years and then by keeping her in custody he has exploited her sexually on number of occasions.

6. Considered the submissions and also perused the copy of the deposition of the prosecutrix filed alongwith the application, which shows that she has been declared hostile for not supporting the case of the prosecution. Hence, 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. 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