

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 7441 of 2020**

- Bhamar Singh Jataw S/o. Shri Maniram Jataw, Aged About 25 Years, R/o. Village- Kanakhedi, Thana- Pohari, Distt.- Shivpuri (Madhya-Pradesh), District : Shivpuri, Madhya Pradesh

**---- Applicant**

**Versus**

- The State of Chhattisgarh, Through the Station House Officer Police Station- Kanker, Distt.- North Baster Kanker (Chhattisgarh), District : Kanker, Chhattisgarh

**---- Non-applicant**

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For Applicant – Shri Sunil Sahu, Advocate.

For Non-applicant/State – Shri Ghanshyam Patel, Govt. Advocate.

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

**Order on Board**

**09-12-2020**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 13-12-2019 in connection with Crime No.173/2018 registered at Police Station – Kanker, District - North Baster Kanker, Chhattisgarh for the offence under Section 363, 366, 376, 496 of the IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix, her mother and her father have been examined in the trial who have not supported the prosecution case. Therefore, nothing is left against this applicant in the trial against him. He is in jail since 13-12-2019. Hence, it is prayed that the applicant be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that there is material present in the charge sheet on the basis of which the applicant is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant

abducted the minor prosecutrix on pretext of marrying her and then he took her to Shivpuri where he kept her in his custody and exploited her sexually by having physical relation with her. The prosecutrix being a minor this act of the applicant amount to rape.

6. Considered on the submissions and facts of the case also perused the certified copy of depositions of the prosecutrix, her mother and her father. On perusal of these depositions it is found that these witnesses have not supported the prosecution case, for which the prosecutor has declared them hostile witnesses. Therefore, under these circumstances I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**