

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7689 of 2020

Ugesh @ Yogesh Tarak, S/o Shri Dharmendra Tarak, Aged About 25 Years, R/o Village- Patewa, Police Station- Gobra Nawapara, District- Raipur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Police Station- Gobra Nawapara Raipur, District- Raipur (C.G.)

--- Respondent

For Applicant	:	Mr. Satyendra Shrivastava with Mr. J.K. Gupta, Advocate.
For State/ Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate.
For Objector	:	Mr. Hemant Kesharwani, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10/12/2020

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. 426/2019, registered at Police Station- Gobra Nawapara, District- Raipur (C.G.) for the offence punishable under Section 363, 366, 376 (3), 376 (2) (n) of IPC and Section 4 & 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 21.10.2019 and has been falsely implicated in this

case. The prosecutrix has been examined in the trial and she has not made any statement against this applicant. Copy of her deposition has been filed along with this application for perusal of this Court. Hence, there is no case left against this applicant, therefore, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the prosecutrix has made categorical statement making allegations against the applicant regarding commission of offence of abduction and rape, therefore, he is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. Learned counsel for the complainant has filed a written objection that if bail is granted to the applicant, he may threaten and influence the complainant and other witnesses, therefore, his application for grant of bail may be rejected.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that the minor prosecutrix of age about 14 years went missing on 17.10.2019. She was recovered from custody of this applicant, after missing report was lodged by her father, who is complainant. The prosecutrix made statement under Section 161 of the Cr.P.C., on the basis of which, offences have been registered against the applicant.
7. Considered on the submissions and the facts present in this

case and also perused the certified copy of deposition of the prosecutrix. She has been declared hostile by the prosecutor for not supporting the prosecution case. Looking to this development in the trial, I am of this view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge