

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7993 of 2019

- Homshankar @ Homu Patel S/o Late Ramkumar Patel, Aged About 21 Years R/o Navapara, Mahatama Gandhi Ward, Dhamtari, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Respondent

 For Applicant : Shri Shobhit Koshta, Advocate
 For Respondent/State : Shri Anurag Verma, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

13.1.2020

1. Heard on admission.
2. Admit.
3. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 11.4.2019 in connection with Crime No.154/2019, registered at Police Station City Kotwali, Dhamtari, District Dhamtari(CG) for the offence punishable under Sections 363, 366, 376 of the IPC and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
4. As per the case of prosecution, father of the prosecutrix lodged a report that some unknown person has abducted his minor daughter and after investigation, the applicant was arrested.

5. Learned counsel for the applicant submits that the applicant has not committed any offence and the prosecutrix herself has left the house and gone to the applicant. He further submits that the prosecutrix has not identified the applicant and father of the prosecutrix has also turned hostile. He submits that the applicant is in custody since 11.4.2019 and trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Perused the entire material available on record.
8. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and that prosecutrix and her father have turned hostile, I am of the opinion that present is a fit case to release the applicant on bail.
9. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
10. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
11. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE

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