

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 704 of 2021**

Hara Sunani, S/o. Keshav Sunani, aged about 25 years, R/o. Raja Khariyar, Said Mandir, Ward No. 02, P.S. Raja Khariyar, District Nuwapada (Orissa).

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, P.S. Devbhog, District Gariyaband Chhattisgarh.

---- Respondent

For Applicant	: Mr. D. Kushwaha, Advocate
For Respondent/State	: Mr. B.P. Banjare, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/02/2021**

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.205/2019, registered at Police Station – Devbhog, District – Gariyaband (C.G.) for the offence punishable under Section 363, 366, 376 (2) (a) of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. He is in jail since 19.12.2019. Prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, there is no case against this applicant. Hence, it is prayed that the applicant may be released on bail.
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 statement of the prosecutrix in the investigation is clear and categorical and there are another witnesses yet to be examined in the trial, therefore, the application be rejected.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 18 years and then by keeping her in his custody, he exploited her sexually knowing well that prosecutrix was not capable for giving valid consent.
6. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix. On perusal of the certified copy of the statement of the prosecutrix it is found that she has been declared hostile for not supporting the prosecution case, hence looking to this development, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge