

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 280 of 2021**

Akshyay @ Indrajeet Vishwakarma S/o Ashok Vishwakarma Aged About 21 Years R/o Village Hasda, Chowki Karelibadi, Police Station Magarlod, District Dhamtari Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, police of police Out Post Karelibadi, Police Station Magarlod, District Dhamtari Chhattisgarh.

---- Respondent

For the Applicant : Shri Anil Gulati, Advocate.

For the Respondent/State : Shri Akhtar Hussain, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.03.2021**

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.204 of 2020, registered at Out Post Karelibadi, Police Station – Magarlod, District – Dhamtari, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 2.11.2020 and has been falsely implicated in this case. The prosecutrix in this case has been examined before the trial Court and she has not supported the case of the prosecution, therefore, there is no case

present against this applicant. Hence, it is prayed that the applicant be enlarged 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 prosecutrix was minor and secondly, there are other witnesses yet to be examined in the trial, therefore, the guilt of the applicant may be established in future. Hence, no case is made out for grant of bail to the applicant.

4. Heard 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, kept her in his custody and exploited her sexually knowing well that she is not competent to give such consent.

6. Considered the submissions and the facts that are present in the case. On perusal of the certified copy of the deposition of the prosecutrix, it is found that she has turned hostile and has not supported the prosecution case. Hence, looking to this development, I feel inclined to grant regular bail to the applicant.

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

Nimmi