

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 715 of 2021**

Mahendra Kumar Dhruv S/o Shri Tikam Singh Dhruv Aged About 22 Years
R/o Village Kanekera, Post And Police Station Mahasamund Tahsil And
District Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Mahasamund, District
Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant : Shri J.A. Lohani, Advocate.
For the Respondent/State : Ms. Binu Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.03.2021**

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.504 of 2020, registered at Police Station – Mahasamund, District – Mahasamund, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 and 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 20.9.2020 and has been falsely implicated in this case. The prosecutrix has been examined before the trial Court and she has not supported the case of the prosecution, therefore, nothing is left in the

prosecution against the 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 according to the material present in the charge-sheet, the offences are clearly made against the applicant, therefore, the applicant is not entitled for grant of bail.

4. Notice issued to the complainant/ informant has been returned served on 9.3.2021 and on that date, there was no appearance or representation from the complainant side.

5. Heard counsel for both the parties and perused the case diary.

6. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody, exploited her sexually on pretext of marrying her regarding which, the offences have been registered against him.

7. Considered the submissions. On perusal of the certified copy of the deposition of the prosecutrix which is filed alongwith the application, it is found that she has not made any allegation against this applicant and therefore, she was declared hostile by the prosecution. Hence, looking to this development, I feel inclined to grant regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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