

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 602 of 2021**

Tularam Sahu, S/o. Late Anjor Sahu, aged about 19 years, R/o. Village Otgan, Police Station - Tilda, District Raipur (Chhattisgarh).

---- Applicant**Versus**

State of Chhattisgarh, Through : S.H.O., Police Station - Nandghat, District - Bemetara (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Ravindra Sharma, Advocate
For Respondent/State	: Mr. Chitendra Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/03/2021**

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.317/2020, registered at Police Station – Nandghat, District – Bemetara (C.G.) for the offence punishable under Section 363, 366, 376 (3) of the Indian Penal Code and Section 5 (घ), 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has made statement, which is

totally against the prosecution case, therefore, she has been declared hostile by the prosecutor, hence, there is no case against this applicant. Therefore, 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 age of the victim on the date of incident was 14 years and further there is statement of the victim in the investigation against the applicant. There are other witnesses to be examined, who may establish the prosecution case. Hence, it is prayed that the application be rejected.
4. Complainant – Tulsi Sahu is present before this Court on notice along with the prosecutrix. She has objection in grant of bail to the applicant submitting that the applicant has threatened her.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Case of the prosecution is this that this applicant abducted the minor prosecutrix of age below 14 years, who was then kept in his custody for some time, during which period, he had physical relation with the minor prosecutrix, knowing that she was not competent for giving valid consent.
7. Considered on the submissions. After perusal of the certified copy of the deposition of the prosecutrix, it is found that she has turned hostile before the learned trial Court and not supported the prosecution case in any manner, 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.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram