

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 825 of 2021

Pintu Yadav @ Ashok Yadav, S/o Babulal Yadav, Aged About 23 Years,
R/o Village Raja Patpar Para, Chwki Ghunghuti, Police Station- Pali,
District- Umariya (M.P.)

--- Applicant

Versus

State of Chhattisgarh, Through - Station House Officer, Sitapur,
District- Surguja (C.G.)

--- Respondent

For Applicant : Mr. Nishikant Sinha, Advocate.

For State/ Respondent : Mrs. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12/03/2021

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. 133/2019, registered at Police Station- Sitapur, District- Surguja (C.G.) for the offence punishable under Section 363, 366, 376(2) (n), 376(3) of IPC and Section 5(L)/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 19.11.2019 and has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has not supported the prosecution case, therefore, nothing is left

against this applicant. Hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that there are other witnesses to be examined in the trial, who may establish the prosecution case, hence, the application for grant of bail may be rejected.
4. Complainant- Bal Kumar Yadav is present before this Court virtually through Help Desk of DLSA, Ambikapur, District- Surguja (C.G.) and he has stated that he has no objection in grant of bail to this applicant.
5. Heard counsel for both the parties and perused the records.
6. The case of the prosecution is this, that this applicant abducted the minor prosecutrix and then, by keeping her in his custody, he has exploited her sexually knowing well that she was not capable to give valid consent for such relationship, regarding which, FIR has been lodged against this applicant.
7. Considered on the submissions and the facts present in this case. On perusal of certified copy of deposition of the prosecutrix and her father, it is found that the prosecutrix has not supported the prosecution case, therefore, she was declared hostile by the Prosecutor. Hence, under these circumstances, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that the 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

Arun