

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 768 of 2021**

Faijan Khan @ Chotu Khan S/o Mo. Niyamuddin, Aged About 22 Years R/o - Chimnibhatta, Chauki Manikpur, Thana Kotwali, District - Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through, Police Station - Kotwali, District - Korba Chhattisgarh.

---- Respondent

For the Applicant : Shri Vikash Pandey, Advocate.
For the Respondent/State : Ms. Smita Jha, 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.1062 of 2020, registered at Police Station – Kotwali, District – Korba, 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 17.12.2020 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 of abduction and rape are made out against this applicant. Hence, the applicant is not entitled for grant of bail.

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

5. The prosecution case is that this applicant abducted the minor prosecutrix, kept her in his custody, exploited her sexually knowing well that she is below 18 years and not competent to such consent.

6. Considered the submissions. Perused the certified copy of the deposition of the prosecutrix, which is filed alongwith the application which shows that the prosecutrix has not supported the prosecution case in any manner therefore, she has been declared hostile by the prosecution. Hence, 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