

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 808 of 2021**

Khoman Lal Nishad, S/o. Moji Ram Nishad, aged about 22 years, R/o. Daihaan Bandha Bazar, Gaindatola, P.S. Gaindatola, District - Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through : P.S. - Dongargarh, District - Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	: Mr. Devershi Thakur, Advocate
For Respondent/State	: Mr. Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**04/02/2021**

1. Heard.
2. Admit.
3. 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.316/2019, registered at Police Station – Dongargarh, District – Rajnandgaon (C.G.) for the offence punishable under Section 363, 376 (2) (n) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
4. 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 not at all supported the prosecution case. Therefore, there is no case against this applicant. Hence, it is prayed that the applicant may be enlarged on bail.

5. 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 there is evidence regarding her abduction and rape by this applicant, therefore, the application be rejected.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then by keeping her in his custody, he exploited her sexually by having physical relation with her regarding, which she was not competent to give any valid consent.
8. Considered on the submissions and perused the copy of the deposition of the prosecutrix, which is filed along with the bail application and on perusal of the same, it is found that she has not supported the prosecution in any respect for which she has declared hostile by the prosecutor, 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.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
10. 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