

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 910 of 2021**

Ghashiram Baghel, S/o. Late Jayram Baghel, aged about 19 years, residing at Patelpara Village Sonarpal, P.S. Bhanpuri, District Bastar Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : The Police Station Bhanpuri, District Bastar Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K. Tulsyan, Advocate

For Respondent/State : Mr. Afroj Khan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**15/03/2021**

1. This is the second 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.49/2020, registered at Police Station – Bhanpuri, District – Bastar (C.G.) for the offence punishable under Section 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012. The first bail application was dismissed as withdrawn vide order dated 10.12.2020, passed in M.Cr.C. No.7738 of 2020 with liberty to revive the same after examination of the prosecutrix.

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 not supported the prosecution case, therefore, the circumstances have changed in favour of the applicant. Hence, 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 the other witnesses are yet to be examined, who may establish the prosecution case. Hence, it is prayed that the application be rejected.
4. Complainant/prosecutrix is present before this Court on notice. She has no objection in grant of bail to the applicant.
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 had sexually exploited the minor prosecutrix of age only 14 years. Because of this continuous sexual exploitation, the prosecutrix became pregnant and she has also given birth to a child. Hence, this case.
7. Considered on the submissions. On perusal of the certified copy of the deposition of the prosecutrix filed along with the application, it is found that she has not supported the prosecution case in any manner, therefore, she was 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.

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