

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1146 of 2021**

Jageshwar @ Golu Sahu S/o Bodhan Sahu Aged About 27 Years R/o Ward No. 17, Shankar Nagar, Nawapara, PS. Gobra, Nawapara, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Gobra, Nawapara, Raipur, Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Raj Shringale, Advocate on behalf of Shri N. Naha Roy, Advocate.
For the Respondent/State	:	Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.09.2021**

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.319 of 2020, registered at Police Station – Gobra, Nawapara, District – Raipur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 & 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 11.8.2020 and has been falsely implicated in this case. The prosecutrix has been examined before the trial Court; she turned hostile and has not supported the case of the prosecution. 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 the prosecutrix was minor and further, there is diary statement present against this applicant. Hence, he is not entitled for grant of regular bail.

4. Complainant – Tikamram is present before this Court on notice on 22.3.2021. He made a statement that he has objection in grant of bail to the applicant.

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

6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and exploited her sexually knowing well that she is not competent to give such consent regarding which, the FIR has been lodged.

7. Considered the submissions and the facts present in this case. Perused the copy of the deposition of the prosecutrix produced alongwith the application, it appears that she has been declared hostile for not supporting the case of the prosecution. Hence, looking to this development, I am of the considered view that this is a fit case for grant of regular bail to the applicant.

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. 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