

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1202 of 2021

- Sakha Ram Khande S/o Gajaram, Aged About 20 Years, R/o Baysi, P. S. Dharamjaigarh, District Raigarh Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through, Police Station Shyang, District Korba Chhattisgarh

---- Non-applicant

For Applicant – Mr. Vikas Pandey, Advocate.

For Non-applicant/State – Ms. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

15-02-2021

Heard.

Admit.

The State counsel submits that the case diary is available.

Both the counsel have agreed to make their submissions.

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 17-11-2020 in connection with Crime No.23/2020 registered at Police Station – Shyang, District Korba, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The prosecutrix has been examined in the trial and she has not supported the prosecution case, therefore, there is no case against the applicant. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/respondent opposes the application submitting that the statement of the prosecutrix under Section 161 of the Cr.P.C. is clear and categorical and there are other witnesses to be examined in the trial. Therefore, the application may be rejected.

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

5. The case of prosecution is this, that the minor prosecutrix of age below 18 years was abducted by this applicant and then this applicant kept her in his custody for some time and exploited her sexually until she was recovered by the police.

6. Considered on the submissions and perused the certified copy of the depositions of the prosecutrix and her father. It is found that both these witnesses have been declared hostile by the prosecutor for not supporting the prosecution case. Hence, looking to this development, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge