

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.1327 of 2021

- Imaan Kashyap S/o Kapurchand Kashyap, Aged About 21 Years Caste Mahara R/o Village Kumhali Chihalaguda Para P.S. Badanji District Bastar Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S. Badanji/ Ajak District Bastar Chhattisgarh

---- Non-applicant

For Applicant : Mr. Vikash A. Shrivastava, Advocate.

For Non-applicant/State : Mr. Akhtar Hussain, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-03-2021

1. Heard, this is first bail application filed under Section 439 of the Cr.P.C. Previously a Criminal Appeal No.638 of 2020 was filed under the provision of Section 14(A) of S.C. and S.T. (Prevention Atrocities Act) which was withdrawn on 12.10.2020. The applicant has been arrested on 23.04.2020, in connection with Crime No.09/2020, registered at Police Station-- Badanji/Ajak, District- Bastar, C.G. for offence punishable under Section 363, 366 and 376 of I.P.C. and Section 06 of POCSO Act. And Section 3(2)(V) of SC and ST Act.
2. It is submitted by the learned counsel for the applicant, that the applicant is innocent and has been falsely implicated in this case. The prosecutrix has been examined in the trial. The prosecutrix and her father both have been examined in the trial and both of them turned hostile, therefore, there is no case against this applicant. Hence, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there are other witnesses to be examined, who may establish the prosecution case, therefore, this application may be rejected.
4. Complainant- Maan Singh Maurya, is present before this Court on notice. He has objection in grant of bail to this applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix of age below 16 years, he kept her in his custody and then, exploited her sexually knowing well that she was not capable of giving a valid consent for such relationship. Hence, this case.
7. Considered on the submissions. After perusing the certified copy deposition of the prosecutrix, her father and her mother, it is found that these witnesses have not supported the prosecution case, hence, looking to this development, I feel inclined to allow this application.
8. Consequently, this application filed by the applicants 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 two local surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge