

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1280 of 2021**

Vidhan Mandal S/o Vishwadev Mandal, Aged About 32 Years R/o Village Nevaliya, Police Station Chakdaha, District- Nadiya, West Bengal, Presently Residing At Shivpur, Police Station Patthalgaon, District Jashpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Patthalgaon, District Jashpur (Chhattisgarh)

----Non-applicant

For Applicant	:	Mr. Malay Shrivastava, Advocate
For State	:	Mr. Sameer Sharma, Deputy G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/05/2021**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 08/2020 registered at Police Station Patthalgaon, District Jashpur, Chhattisgarh for the offence punishable under Sections 363, 366A, 376 of the Indian Penal Code, 1860 and Section 4, 6 of Protection of Children from the Sexual Offences Act, 2012 and Section 3(1)B(i) of SC ST (Prevention of Atrocities) Act, 1989.
2. The present applicant stands arrested on 15.03.2020 in connection with the aforesaid Crime number.
3. Today during the course of the hearing the learned counsel for the applicant has produced on record the evidence of the prosecutrix as also the mother of the prosecutrix, wherein both of them have turned hostile and have not supported the case of the prosecution. Learned counsel for the applicant submits that in all the prosecution has given a list of 25 witnesses, of which only 4 have been examined till now and under the prevailing circumstances there is all likelihood of

the trial to get prolonged because of the impact of COVID-19 pandemic. He further submits that the applicant has already suffered incarceration for a period of more than an year and therefore he be released on bail.

4. The State counsel however opposing the bail application submits that from the 161 statement as also from the 164 statement, it is revealed that firstly the prosecutrix is a minor and secondly the applicant herein has abducted the prosecutrix and taken her out of the custody of her guardians and in between has also had physical relationship, therefore the applicant does not deserve to be released on bail at this juncture.
5. Having considered the facts and circumstances of the case, particularly taking note of the statement of the prosecutrix as also the mother of the prosecutrix both of whom have turned hostile and not supported the case of prosecution whatsoever and also taking note of the period of custody undergone by the applicant and also taking note of the COVID-19 pandemic situation, this Court is of the opinion that a strong case for grant of bail has been made out. Accordingly, the present application for grant of bail is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two sureties in the like sum to the satisfaction of the concerned Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge