

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1579 of 2021

- Bablu Yadav S/o Sahdev Yadav, Aged About 19 Years, R/o Village Chatniya Nahlupath, Police Station Chando, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Chando, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Shri Akath Kumar Yadav, Advocate.

For Non-applicant/State – Shri Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second application before this Court filed by the applicant for grant of regular bail. His first bail application, MCRC No.7737/2020 was dismissed as withdrawn on 10-12-2020. The applicant has been arrested on 06-08-2019 in connection with Crime No.19/2019 registered at P.S. - Chando, District Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 363, 366, 368, 376(2)(i) of the IPC and Section 6, 17, 19, 21 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 06-08-2019. The prosecutrix has been examined in trial and she is a hostile witness. Therefore, there is no case present against the applicant. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that age of the prosecutrix was only 14 years, therefore, the offence against the applicant is of very serious nature. Hence, the application may be rejected.

4. Complainant Parmatma Yadav is virtually present through Help Desk of DLSA Balrampur-Ramanujganj. He has no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, this applicant abducted the minor prosecutrix on pretext of marriage, kept her in his custody and then exploited her sexually knowing well that she was not capable of giving consent.
7. Considered on the submissions. On perusal of certified copy of the deposition of the prosecutrix it is found that she is a hostile witness and she has not supported the prosecution case in any manner. Hence, looking to this development, I feel inclined to allow this application.
8. 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.
9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge