

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1586 of 2021**

Hansraj Singh, S/o Lalsai Khairwar, Aged About 23 Years, R/o Village Goverdhanpur, P.S.- Trikunda, District- Balrampur- Ramanujganj (C.G.)

**--- Applicant**

***Versus***

State of Chhattisgarh, Through- The Police Station- Trikunda, District- Balrampur-Ramanujganj (C.G.)

**--- Respondent**

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For Applicant : Mr. A.N. Pandey, Advocate.

For State/ Respondent : Mr. Jitendra Shukla, Panel Lawyer.

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

**Order on Board**

**03/03/2021**

1. Heard on admission.
2. Admit.
3. Learned State counsel submits that the case diary is available.
4. Both the counsel have agreed to make their submissions.
5. 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. 19/2019, registered at Police Station- Trikunda, District- Balrampur- Ramanujganj (C.G.) for the offence punishable under Section 376(2)(N), 506 & 450 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

6. Learned counsel for the applicant submits that the applicant is in jail since 24.04.2019 and has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has not supported the case of the prosecution, therefore, no case is left against this applicant. Hence, it is prayed that this applicant may be enlarged on bail.
7. On the other hand, learned counsel for the State opposes the bail application submitting that the statement of the prosecutrix under Section 161 & 164 of the Cr.P.C. is clear and categorical against this applicant and further, there are other witnesses to be examined in the trial, who may establish the case of the prosecution. Hence, the application for grant of bail may be rejected.
8. Heard counsel for both the parties and perused the records.
9. The case of the prosecution is this, that this applicant used to trespass in the house of the minor prosecutrix and then, by putting her under threat, he has exploited her sexually on numerous occasions and thus, committed the offence of rape.
10. Considered on the submissions and the facts present in this case. Perused the certified copy of deposition of the prosecutrix, who is clearly hostile witness and has not supported the case of the prosecution in any manner. Looking to this development, I feel inclined to allow the bail application of this applicant.
11. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

12. 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
**Judge**

Arun