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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1674 of 2021**

Pawan Kumar Yadav, S/o. Mahesh Yadav, aged about 21 years, R/o. Bhatagaon R, Police Station -Ranchirai, District Balod Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through : District Magistrate, District Balod Chhattisgarh.

---- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate
For Respondent/State : Mr. Ajay Kumharani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/07/2021**

1. 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.129/2020, registered at Police Station – Ranchirai, District – Balod (C.G.) for the offence punishable under Section 363, 366, 376 (2) (N) of the Indian Penal Code and Section 4, 5 (ठ), 6 of the POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 25.10.2020. The prosecutrix has been examined in the trial and she has not supported the prosecution case in any manner. Hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. Complainant – Domin Sahu is present virtually before this Court on notice through the Help Desk of District Legal Services Authority, Balod and she has strong objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The case of the prosecution is this that this applicant abducted the minor prosecutrix, kept her in his custody and then he exploited her sexually, knowing well that she was not capable for giving consent.
7. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix, in which she has totally denied the incident and she has not supported the prosecution case, for which, she was declared hostile by the prosecutor, hence, looking to this development, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that 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