

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1660 of 2021**

Anil Mehra @ Anil Kumar Mehra, S/o Late Shatruhan Mehra, Aged About 26 Years R/o Heeranagar, Mitthumuda, Durga Chowk, Police Chouki Jutemill Police Station City Kotwali, District Raigarh Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through - Station House Officer, Police Station City Kotwali, Outpost - Jutemill, District Raigarh Chhattisgarh.

---- Respondent

For the Applicant : Shri Ashish Gupta, Advocate.
For the Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.06.2021**

Heard.

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.728 of 2020, registered at Police Station – City Kotwali, Outpost – Jutemill, Raigarh, District – Raigarh, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code, Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1)(b)(1) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that the applicant is in jail since 8.10.2020 and has been falsely implicated in this case. No case is

made out against the applicant on the basis of the material placed before the Court by the prosecution. The prosecutrix and her father have been examined before the trial Court and have not supported the prosecution case. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there are other witnesses yet to be examined in the trial, therefore, the guilt of the applicant may be established in future. Hence, no case is made out for grant of regular bail to the applicant.

4. The notice was issued for appearance of the informant in compliance of Section 439(1)(A) of the Cr.P.C. and it has been served upon the informant but there is no appearance or representation.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, this applicant abducted the minor prosecutrix aged about 15 years then he kept her in his custody and forcefully had physical relation with her knowing well that she is not competent to give such consent.

7. Considered the submissions and also perused the certified copy of the deposition of the prosecutrix and her father filed alongwith the application according to which, they are the hostile witnesses and not supported the prosecution case. Hence, for these reasons, I feel inclined to grant regular

bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge