

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1723 of 2021**

Bholadas Manikpuri S/o Kalyandas Manikpuri Aged About 19 Years R/o Village Sarragondi Police Station Khairagarh District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Raigarh District Rajnandgaon Chhattisgarh.

---- Respondent

For the Applicant : Shri F.S. Khare, Advocate.
For the Respondent/State : Shri Chitendra Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.03.2021**

Heard on admission.

Admit.

Learned State counsel submits that the case-diary is available.

Both the counsels have agreed to make the submissions.

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.454 of 2020, registered at Police Station – Khairagarh, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 363, 366-A and 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 17.11.2020 and has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has been declared hostile for not supporting the case of the prosecution, therefore, no case is made out against the applicant. 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 bail to the applicant.

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

5. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix and then by keeping her in his custody he exploited her sexually knowing well that she is not competent to such consent regarding which, the FIR has been lodged.

6. Considered the submissions and the facts that are present in the case. Perused the certified copy of the deposition of the prosecutrix filed along with the application according to which, she is a hostile witness as she has not at all supported the prosecution case. Hence, looking to this development, I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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