

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1860 of 2021**

- Naresh Tiwari S/o Kamlesh Tiwari Aged About 19 Years R/o Deurpara Police Station Sihawa Tahsil Nagri District Dhamtari Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through, Station House Officer, Police Station Sihawa Dhamtari District Dhamtari Chhattisgarh.

---- Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate.
For Respondent-State	:	Shri Anil Tripathi, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant, Judge
Order on Board

28.06.2021

1. Heard on the application filed under Section 439 of Cr.P.C. This is the first bail application filed for grant of regular bail. The Applicant has been arrested on 21.11.2020 in connection with Crime No. 117/2020 registered at Police Station Sihawa District – Dhamtari (C.G.) for offence punishable under Sections 363, 366, 376 of Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. It is submitted by the learned counsel for the Applicant that the Applicant has been falsely implicated in this case. The prosecutrix has been examined in the trial and she has not supported the prosecution case in any manner, hence there is no case for prosecution and therefore bail may be granted.
3. The learned counsel for the State opposes the bail application and submits that the age of prosecutrix was below 16 years. Further the prosecutrix has clearly stated against this Applicant in her diary statement and also in her statement under Section 164 of the CrPC, therefore, the application for bail may be rejected.

4. I have heard the learned counsel for the parties and perused the record.
5. According to the prosecution case, it is alleged that the Applicant abducted the minor prosecutrix by promising to marry her and then he kept her in his custody and exploited her sexually for having physical relation with her knowingly that she was not capable to give consent being a minor, hence this case.
6. Considered on these submissions and also perused the copy of the deposition of the prosecutrix which shows that she is totally hostile witness. Hence, looking to this development in the case, I am inclined to allow this bail application. The application is allowed.
7. Consequently, the application filed by the Applicant under Section 439 of Cr.P.C for grant of regular bail is hereby allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge