

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2005 of 2021

- Santosh Kumar S/o Ramlal Panika Aged About 19 Years R/o Village-Dhawalpur, Out Post- Koda, Police Station Jhagrakhand, District- Koriya (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kelhari, District- Koriya (Chhattisgarh)

---- Non-applicant

For Applicant : Mr. Hemant Kumar Agrawal, Advocate.

For Non-applicant/State : Mr. Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-08-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 28.01.2021, in connection with Crime No.10/2021, registered at Police Station- Kelhari, District- Koriya, C.G. for offence punishable under Sections 363, 366 and 376(2)(N) of I.P.C. and Sections 04 and 06 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 28.01.2021. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Hence, it is prayed that this applicant may be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that the prosecutrix was minor and further, there are other witnesses to be examined in the trial, therefore, it is prayed that this application may be rejected.

4. The prosecutrix had virtually appeared before this Court on 26.07.2021 and stated that she had no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody and then also exploited her sexually, knowing well that she was a minor and is incapable of giving any valid consent. Hence, this case.
7. Considered on the submissions. Perused the certified copy of deposition of prosecutrix which shows that the prosecutrix has turned hostile, therefore, I feel inclined to allow this application.
8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge