

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1984 of 2021**

Prabal Nag, S/o. Manijar Ram, aged about 18 years, R/o. Village Marga, Dumartoli, Tahsil Manora, District Jashpur (Chhattisgarh).

---- Applicant

Versus

The State of Chhattisgarh, Through : P.S. Jashpur, District Jashpur Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K. Prasad, Advocate

For Respondent/State : Ms. Hamida Siddiqui, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**05/08/2021**

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.228/2020, registered at Police Station – Jashpur, District – Jashpur (C.G.) for the offence punishable under Section 363, 366 & 376 (2) (n) of the Indian Penal Code and Section 4 & 6 of Protection of Children from Sexual Offences Act, 2012.
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 14.11.2020. The prosecutrix has been examined in the trial and she has not supported the prosecution case. Therefore, it is prayed that the applicant may be released 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 the prosecutrix was minor on the date of incident and further there

is diary statement against this applicant and other witnesses are yet to be examined in the trial, therefore, the application be rejected.

4. Complainant had virtually appeared on 28.07.2021 on notice before this Court and has made statement of no 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. As per the prosecution case, it is alleged that this applicant abducted the minor prosecutrix, kept her in his custody for one day and had also physical relation with her knowing well that she was not capable to give valid consent.
7. Considered on the submissions and also perused the certified copy of the deposition of the prosecutrix, in which the prosecutrix has not supported the prosecution case. Looking this development in the trial, 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